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ART. I.—*United States Naval Chronicle.* By CHARLES W. GOLDSBOROUGH. Vol. I. 8vo. pp. 395. Washington. 1824.

IT is the common fate of events, however conspicuous they may have been, which have ceased to occupy the public mind, without having yet attained a place in history, to sink into temporary oblivion. Our regards are generally fixed on the present, or thrown back upon the remote past, like the memory of old age, which leaps over the interval between childhood and its latter days. We behold the occurrences rising around us, and we are deeply versed in the records of other times; but few, save the grateful and the curious, recollect achievements, which are too old for popular enthusiasm, and too recent for deliberate history. Indeed, it is difficult to bring them into view. They exist in the scattered chronicles of their day, but mingled with a heterogeneous mass, appalling to common industry, awaiting the patient research of some laborious compiler, who will gather up the *disjecta membra*, and present them to the world with some degree of form and compactness. To appreciate our obligations to these assiduous chroniclers, it is only necessary to recall to mind the difficulty, which each one has probably experienced, in tracing back the connexion of modern events, that are still

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floating in all the looseness and uncertainty of ephemeral publications.

There are no events connected with the early history of the United States, which have been more neglected, than those that took place on the ocean. The most juvenile reader is well acquainted with all the prominent battles and sieges of the revolution; but a comparatively few persons have any distinct knowledge of the many gallant struggles of our infant navy. The all absorbing interest of the transactions on land, where the cause of liberty was chiefly sustained, diverted attention from the sea. Every one had a vague idea of the sanguinary triumphs of Paul Jones; but there recollection seemed to pause; forgetful of exertions, which, though often humble through inadequate means, spread annoyance through the wide commerce of Britain.

The first attempt to rescue these honorable and patriotic services from threatening oblivion, was made by Mr Clarke, in his *Naval History*, compiled during the late war. At that time, the navy of the United States, respectable in force and thorough in discipline, had drawn the public attention to its element, by a series of successes almost unexampled. Curiosity was broadly awake, and eager to turn back to the triumphs of its earlier days. Mr Clarke has succeeded in retrieving many materials from forgetfulness, which will be useful in illustrating our national history; and he reviews several acts of heroism and enterprise, which might soon have passed beyond the reach of search. Mr Goldsborough, in his Naval Chronicle, whose title forms the head of this article, has trod in the same path, with the same laudable intentions. His account of revolutionary events is rather meagre and desultory; but this, he says in his preface, did not form a part of his original plan; it is therefore a gratuity, of the scantiness of which we have perhaps no right to complain. In descending to later times, when we were involved in difficulties with France, and particularly where he comes down to the Tripolitan war, he enters into a fulness of detail, which renders his volume a valuable repository of historical facts, and official statements.

During their colonial state, the North Americans were often engaged in maritime warfare, as auxiliaries in the enterprises of the mother country; and in many of them, they were dis-

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tinguished for their activity. Their zeal and sacrifices in these wars, waged generally for objects entirely distinct from their interest, evinced a heartiness and sincerity in their filial affection, which should have entitled them to a more grateful return. But these services, though repaid with contumely and injustice, were not without their benefits; they educated a hardy and expert marine, which was destined ere long for a higher duty, than that of abetting contentions arising out of transatlantic rivalries.

When at last the colonies, by their revolt, became separated from the mother country, they were at once deprived of all maritime protection. The fleets, which had before been stretched along their coast for defence, were suddenly converted into hostile armaments, already in possession of their harbors. Nothing remained with them, save the skill and moral energy, which had been acquired in former wars. It is a subject of surprise and admiration, that this revolt should have taken place, when the overwhelming maritime power of Britain was so well known; rendering her master of every avenue to the revolting country, and enabling her to transport her armies with such certainty and facility. It doubly enhances the boldness of the undertaking, and shows both the heaviness of the oppression, and the fearless character of the sufferers.

It would appear that, when resistance was contemplated by the colonies, a naval force was not taken into consideration. Such an idea might have been discouraged, by the utter hopelessness of contending with the mistress of the ocean. It was not until provoked by wanton aggressions upon their defenceless commerce, that they adopted measures of retaliation. These measures, for some time, were not the result of any executive or legislative authority, but sprang from the patriotic ardor of individuals or corporations. One of the most conspicuous of these incipient and spontaneous enterprises occurred at Machias, Maine, soon after the battle of Lexington. A vessel, which left Boston immediately after the 19th of April, carried to Machias the tidings of this first bloody aggression. The people in all quarters, goaded and exasperated, had waited but for this consummation of oppression, to break forth into fierce and resolute hostility. A forbearing spirit seemed to have restrained them under the most

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powerful excitements, and had limited their opposition to the most scrupulous defence, until this aggravated violence released them from the last obligation. The moment this release was felt, a daring eagerness for action was manifested on every side.

A British armed schooner was at that time lying at Machias. Considering hostilities as now begun, a plan was immediately formed to capture the unsuspecting enemy. The first intention was to seize upon the officers of the schooner, while attending church on the following day, which was Sunday; but this design was defeated by the vigilance or the activity of the officers, who made their escape to the vessel, and, after firing a few random shot at the town, dropped down the bay. Unwilling to lose the prize, a party of volunteers the next day took forcible possession of a lumber sloop, and immediately began pursuit. The whole equipment for this sudden cruise consisted, according to Mr Goldsborough, of three charges of powder and ball for twenty fowling pieces, 'thirteen pitchforks, ten or twelve axes, a few pieces of salt pork, &c.' No circumstance could more strikingly exhibit the reckless and confiding bravery of this little band, than that it should have been without any acknowledged leader, until the moment of overtaking the enemy; when Mr Jeremiah O'Brien was chosen by unanimous consent. Unappalled by the disparity of force, he at once laid his sloop alongside of the schooner, and, after a short but severe contest, carried her by boarding. The British vessel is said to have had four six pounders, twenty swivels, two wall pieces, and an abundance of cutlasses, firearms, and ammunition, and a crew consisting 'of two commissioned officers, and thirtyeight petty officers and men.' The crew of the lumber sloop is stated to have been less than forty. With the armament of his prize, O'Brien fitted out a small vessel called the Liberty, and soon captured two other British armed schooners, sent out in pursuit of him, whose crews he conducted prisoners to Boston, where, upon the recommendation of General Washington, he was appointed a Captain by the Provincial Congress of Massachusetts. Returning to Machias, he soon manned two vessels, the Liberty and the Diligence, with volunteers, sailed for New Brunswick, and took by surprise Fort Howe, with its garrison and military stores, and a

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loaded brig, lying in the harbor, which was destined for the British troops at Boston.

The declaration of Independence had not yet been made. There was still an opening for accommodation; a lingering allegiance still existed in the hearts of the multitude, and a willingness to discriminate between king and ministers; and while the contest was supposed to be only with the latter, measures seldom extended beyond a defensive character. A small fleet was, however, equipped by the general Congress near the close of the year 1775, with a view to more energetic operations. This first squadron that went forth upon the deep, in defiance of a power, whose immeasurable superiority gave it the character of a forlorn hope, consisted of the Alfred, thirty guns; the Columbus, twentyeight guns; Andrew Doria, sixteen guns; Sebastian Cabot, fourteen guns; and the Providence, twelve guns; and was under the command of Commodore Ezekiel Hopkins, who, hearing that the island of New Providence had large military stores unprovided with a proper defence, sailed thither, and succeeded in capturing the governor, the garrison, and stores. On his return, he made prize of a bomb brig; but failing in an engagement with the Glasgow, of twenty guns, which, after a gallant defence against the Cabot and the Alfred, made its escape from the fleet, he was much censured by his countrymen.

The beginning of the year 1776 was marked by many achievements, which were as honorable to the actors as serviceable to the country. The short and brilliant career of Captain Mugford of Boston attracts particular attention. We can hardly excuse Mr Goldsborough for having merely mentioned his name. According to Clarke's Naval History, this active and intrepid mariner was the master of a trading vessel, when he was appointed by General Ward, after much solicitation, to the command of the Franklin, a public armed vessel of four guns. It appears that General Ward, through want of confidence in him, which is not accounted for, subsequently intended to revoke the appointment; but Captain Mugford, through his indefatigable exertions, had already put to sea. His first prize was the Hope, a ship of 300 tons and six guns, which he captured in sight of the English Commodore, Banks. 'This vessel exceeded in value,' says Mr

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Clarke, 'anything which had yet been captured by the Americans. Her cargo consisted of 1500 barrels of powder, 1000 carbines, a number of travelling carriages for cannon, and a most complete assortment of artillery instruments and pioneers' tools.' The unpreparedness, with which the colonies had begun the contest, rendered every acquisition of this kind of incalculable importance. In conducting his valuable prize to Boston, it was necessary, in order to avoid the British cruisers, to attempt a difficult and almost untried channel. He was successful in going up, but in coming down again shortly after, on another cruise, through the same passage, he ran aground, and while in that situation was discovered by the British squadron. Eight or nine barges were immediately despatched against him. Being aware of their approach, he first received them with his small arms, and then, cutting his cable so as to swing round, brought his broadside to bear; but before a second discharge could be made, many of the boats had reached the vessel. All efforts to board, however, were promptly and successfully repelled. In the midst of this close and desperate struggle, Captain Mugford, while reaching over the quarter, to seize the mast of one of the boats and upset her, received a pistol ball in his breast. Undismayed by the mortal wound, he called to his first Lieutenant, 'I am a dead man; do not give up the ship; you will be able to beat them off;' and in a few minutes after expired. But his daring spirit still animated his crew; the enemy was repulsed, with the loss of two barges, and many killed and wounded.

The name of Paul Jones has a kind of romantic familiarity with every American ear. Fireside tradition imprints upon the mind of almost every child, long before he dips into history, a vague idea of his desperate valor and sanguinary battles; and when, in riper years, he ascertains the sober truth, he is surprised and somewhat disappointed, to find how many exaggerated notions he has to surrender. Paul Jones was appointed a lieutenant in the American navy at the beginning of the revolution, and sailed in that capacity under Commodore Hopkins to New Providence. After his return he was appointed to the Providence, twelve guns, and in 1776 was promoted to the rank of a Captain. While still in command of the Providence, he fell in with the British armed

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vessel, Solebay, of twentyeight guns, and sustained an action with her for some hours, occasionally within pistol shot, and finally by his expertness extricated himself from her superior force. In the same cruise, he encountered the Milford, of thirtytwo guns, under circumstances which rendered an engagement unavoidable, and had a desultory and protracted fight with her, from ten o'clock in the morning until night, when he made his escape. Towards the close of the year Captain Jones was appointed to the Alfred, thirty guns, and sailed in company with the Hampden and Providence, on an enterprise against Isle Royale. He was separated by accident from his two consorts, but still persisted in his design, and not only succeeded in the principal object, but captured some prizes. On his voyage back to Boston, accompanied by one of these prizes, he again fell in with the Milford. By his skilful manœuvres he saved his prize, and had another long engagement with his old antagonist, which was terminated by a gale.*

* The best account of Paul Jones, which has appeared, is contained in the Edinburgh Encyclopedia. It was written by the Rev. Mr Duncan, near Dumfries, in Scotland, who was acquainted with the connexions of Paul Jones, and had access to all his papers. The following extract relates to his first entering into the American service.

'In the year 1773 he went to Virginia to arrange the affairs of his brother, who had died there without leaving any family, and about this time, in addition to his original surname, [his original name was John Paul,] he assumed the patronymic of Jones, his father's christian name having been John. This custom, which is of classical authority, has long been prevalent in Wales, and in various other countries, although it is not practised in that part of the island in which he was born.

'This visit revived and riveted the attachment, which young Paul Jones had conceived for America; and in spite of the native ardor and restless activity of his mind, he resolved to withdraw from the vicissitudes of a seafaring life, to fix his residence in that country, and to devote the remainder of his days to retirement and study. He was little aware of the turbulent scenes, in which he was destined soon to perform a part, nor of the conspicuous figure he was to make in them.

'The discontents of the colonists had by this time occasioned much commotion, and their murmurs became deeper and more frequent, till at last they fairly broke off all connexion with the parent country. Towards the end of the year 1775, it was determined by Congress to fit out a naval force to assist in the defence of American independence, and an anxious search was made for friends to the cause, who should be at once willing and able to act as officers on board their vessels. It now appeared that Paul Jones had, in his romantic schemes of tranquil enjoyment, falsely estimated the natural bent of his genius. With deep interest he had watched the progress of those political events, which were to decide the fate of his adopted country; and when an open resistance was made to the dominion of Great Britain, he could no longer remain an inactive spectator. Having only just completed his twenty-

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In 1776, Captain Nicholas Biddle was appointed to the Randolph, of thirtytwo guns. He stood in the foremost rank of his profession for seamanship and courage. He sailed the next year with a small squadron on a cruise, after having made many important captures. In March, 1778, he fell in with the Yarmouth, a British sixtyfour gun ship. As they did not approach each other till the close of day, it is probable that her force was not distinctly ascertained by the Randolph, before the action commenced. Captain Biddle, however, ranged alongside with a resolute fearlessness, determined to engage her, whatever might be her force. A severe conflict began after dark, in the early part of which, Captain Biddle is said to have been wounded. Unable to stand, he had a chair brought on deck, and continued to animate his crew by his presence. After sustaining this unequal fight for about twenty minutes, the Randolph blew up, involving in awful and instantaneous destruction her gallant commander, and all her valiant crew, excepting four men, who were discovered four days afterward by the Yarmouth, floating on a piece of the wreck. Captain Biddle was but twentyseven years of age, when he was thus abruptly cut off from his friends and his country. But his name would still have been gratefully remembered, even if a later war had not revived it, on the same element, in all its early glory.

During the same year 1778, Captain Daniel Waters, who had become distinguished for his nautical skill and activity, took command of the privateer Thorn, sixteen guns. Not many days after leaving port, he discovered two sail in pursuit of him. They proved to be the Governor Tryon, sixteen

eighth year, he was full of bodily vigor and of mental energy, and he conceived that his nautical skill would qualify him to be a distinguished asserter of the rights of the colonists. He was immediately appointed first lieutenant of the Alfred, one of the only two ships belonging to Congress, and on board that vessel, before Philadelphia, he hoisted the flag of independent America *the first time it was ever displayed.* In the course of a very active and successful campaign, having found means to gain the confidence of the marine committee by his zeal and intrepidity, he had not served many months before the president sent him a captain's commission.' *Ed. Encyc. Art. Paul Jones.*

At the conclusion of Mr Duncan's article he states, that 'among the admiral's papers were found *Memoirs of his Life*, written with his own hand, a most interesting literary production, which it is in contemplation with his friends to present entire to the eyes of the public.' It is understood that one of our countrymen is preparing a Life of Paul Jones, and it is to be hoped, that measures will be taken to procure these papers, as any life written without them must be comparatively imperfect.

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guns, and the Sir William Erskine, eighteen guns. The unequal combat began, and was kept up for two hours, when the Tryon struck, and the Erskine drew off. After repairing damages, Captain Waters, leaving the Tryon a complete wreck, pursued the Erskine, and, coming up with her, compelled her likewise to strike. Removing her officers on board the Thorn, he returned in search of his other prize, but where he expected to meet her, he found only floating spars and casks, and other indications that she had sunk. Captain Waters then manned the Erskine and ordered her to Boston, retaining on board the Thorn only sixty men, with which diminished crew he was to run new hazards and acquire new laurels. For not many days subsequently, he encountered the Sparlin, eighteen guns and ninetyseven men, and after an action of about an hour obliged her to yield to his thrice conquering flag.

The following extract, from Clarke's Naval History, exhibits a striking instance of the shrewd daring of our early seamen, and their aptitude to convert unlucky circumstances into means of triumph.

'In June 1779, an expedition of United States vessels was fitted out, and sailed from Boston. It consisted of the Providence, thirtytwo guns, Commodore Whipple; the Queen of France, twentyeight guns, Captain J. P. Rathburne; and the sloop of war, Ranger, Captain Simpson. About the middle of July, near the banks of Newfoundland, as the squadron lay in a fog, signal guns were heard; and at intervals the sound of ships' bells striking the hours. From this they supposed themselves to be near a fleet. About eleven o'clock the fog began to clear off, when the crew of the Queen of France, to their great surprise, found themselves nearly alongside a large merchant ship, and soon after they perceived themselves to be in a fleet of 150 sail, under convoy of a seventyfour, and several frigates and sloops of war. The Queen of France immediately bore down to the large ship, and hailed her. She answered that the fleet was from Jamaica, bound to London. The English ship then hailed the American, and was answered, his majesty's ship Arethusa, from Halifax, on a cruise. The American then inquired if they had seen any rebel privateers. The English replied that several had been driven out of the fleet. The American Captain, Rathburne, then requested the captain of the English vessel to come on board, which he did, when, to his great astonishment, he found himself a prisoner. Captain Rathburne then sent one of his own boats and the English captain's

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boat, both well manned, to the ship, of which they took quiet possession, without exciting the least alarm in the fleet, notwithstanding many of the vessels were nearly within hail of the one captured. Rathburne then went alongside another large ship and captured her in the same manner. Soon after the capture of the second ship, Commodore Whipple came alongside, and ordered Captain Rathburne to edge away out of the fleet as soon as possible, as he was persuaded they would be discovered and overpowered. Captain Rathburne then pointed out the two large ships he had captured, and requested permission to remain. The Commodore at first disapproved of this project; but was at length prevailed upon by Captain Rathburne to stay in the fleet all day, and capture as many vessels as they could in the same cautious manner. As soon as it was dark they left the fleet, after having captured eleven vessels without giving alarm. The squadron arrived safe in Boston with eight of their prizes, three of them having been retaken by the English.' vol. i. pp. 94, 95.

It is with sentiments of reluctance and mortification, that we turn from the foregoing series of brilliant little achievements, to an expedition which was as unfortunate and disgraceful in its conclusion, as it was promising and creditable in its beginning. The plan of expelling the British from Penobscot, in 1779, originated in the most ardent and disinterested patriotism, and there is not, perhaps, on record a more praiseworthy instance of spontaneous exertions and sacrifices, on the part of individuals, to cooperate with a necessitous government for the public good. Massachusetts, like ancient Sparta, who boasted that she had never seen the smoke of an enemy's camp, made it her boast that the enemy had never yet been able to maintain a foothold on her territory; and when the British took possession of Castine, she determined, at every sacrifice, to avenge the violated sanctity of her soil. The limited means of the state government were put to the severest requisition; and the general Congress was appealed to; but all these resources would have been insufficient, without the aid of the private wealth, which was surrendered to the use of government with such patriotic liberality. Three vessels, carrying in all fiftyeight guns, were obtained from the general government; three, carrying in all fortyfour guns, belonged to the state; the residue of the force, amounting to 224 guns, and 1760 men, was the offering of private munificence. Captain Saltonstall, as the senior

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in rank, had the chief command. General Lovell commanded the land forces. Had he received a proper cooperation of the fleet, no doubt the objects of the expedition would have been fully attained. But incapacity or pusillanimity appears to have paralysed the directing power, and the troops, which had effected a landing and carried many of the enemy's batteries, after waiting in vain for assistance, were obliged at last to reembark, and escape with the squadron up the river, before an overwhelming force, which came to disturb their tardy operations. It is almost unnecessary to add, that the whole of this fleet was either taken or destroyed. There were several officers in the expedition, that had been conspicuous for their nautical experience and courage, who, chained down by the rules of subordination, saw their honors tarnished and their country disgraced, without the power of retrieving either. It is not the only instance, in which the high and paramount interests of a people have been jeoparded, by a punctilious adherence to the claims of rank, or a misplaced regard for individual feelings. We would not censure the orderly submission of the officers to their appointed chief, but the mistaken delicacy of government, which subjected them to such unworthy control.

During this year, Captain John Foster Williams, of the Protector, twenty guns, had an engagement with a vessel, which proved to be the Admiral Duff, thirtytwo guns, and which blew up after an action of an hour and a half. Commodore Preble was then a young midshipman on board the Protector, and we find him giving that early promise of future celebrity, which it is so delightful to trace back in an exalted character.

It was in this same eventful year, that Paul Jones, in the Bonne Homme Richard, forty guns, had his desperate and bloody action with the British frigate Serapis, fortyfour guns, and the Countess of Scarborough, twentytwo guns. The extraordinary obstinacy and carnage of this contest have given it a notoriety, and eclat, over all other naval actions of the Revolution. It was this, which surrounded his name with that kind of romantic splendor, that we have before alluded to, and which made it the burden of tradition as well as history. Mr Goldsborough gives but a brief account of the action, referring his readers to Clarke's Naval History, in

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which the action is minutely described. The sinking of the Bonne Homme Richard, almost immediately after the victory, is a singular and somewhat affecting circumstance. We contemplate a hero, falling in the arms of victory, with the highest emotions; we cannot regard a vessel with the same exalted sentiments; but it is impossible to represent to ourselves an armed ship, going down with her triumphant flag waving over her, without some kindred feelings. The following anecdote, which Mr Goldsborough gives in a note, is very characteristic. 'When Captain Jones was in Paris, some short time after the action, he was informed that Captain Pearson [of the Serapis] had been knighted. "Well," said he, "he deserved it; and if I fall in with him again, I will make a Lord of him."'

It is with some unwillingness that we submit to the restrictions of our article, which oblige us to discontinue this very imperfect notice of the marine achievements of our Revolution. We shall not, however, lose our interest in the subject, by turning to a later era, when our navy had attained, under the new government, through the urgency of transatlantic difficulties, a comparatively respectable standing. In 1794 it was enacted by Congress, that 'a naval force should be provided,' for the protection of our commerce; and in pursuance thereof, four frigates of fortyfour guns, and two of thirtytwo, were put upon the stocks. We, who live in these days of settled independence, can scarcely credit the fact, that our commerce in the Mediterranean was at that time under the hired or gratuitous protection of Portugal, or some other foreign power; and that an Algerine Dey did not condescend to assign any other reason for hostility against us, than 'that he wanted employment for his corsairs and soldiers, whose cupidity must be gratified.' In 1796, a peace having been concluded with Algiers, the abovementioned act was so far modified, as to restrict the construction to two only of the fortyfour's, and one of the thirtytwo's. But it was not until 1798, that two of them, the Constitution and the Constellation, were completed and equipped for sea. At this time our relations with France had become distracted, and we were on the eve of a war with her. Indeed, all treaties with that country were soon after declared to be abrogated, and these vessels, as well as several others, which

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were directed to be purchased or built in consequence of this event, were sent to sea with instructions to protect and defend our commerce.

The first act of hostility between the two nations appears to have been committed by the Insurgente; which was in a short period after so signally beaten by one of our frigates. The schooner Retaliation, Lieutenant Commandant Bainbridge, being deluded into the power of this vessel, was captured and carried into Guadaloupe. Several other United States armed vessels were in company with the Retaliation, and pursued by the French squadron, but were probably saved from capture, as stated by Mr Goldsborough, by the address of Lieutenant Bainbridge, who, being asked by the French Commodore what was the force of the vessels chased, exaggerated it with so much adroitness, as to induce him to recall his ships.

The Constellation went to sea under the command of Captain Truxton. In February, 1799, he encountered the Insurgente, and, after a close action of about an hour and a half, compelled her to strike. The rate of the Constellation was thirtytwo guns, that of the Insurgente forty. The former had three men wounded, one of whom shortly after died, and none killed; the latter had fortyone wounded, and twentynine killed. This victory, which was so brilliant and decisive, with such a wonderful disparity of loss, gave great eclat to the victor and to the navy. We recognise among the subordinate actors in this triumph, the names of Rodgers, Sterrett, and Porter, which have since become well known to the nation.

Commodore Truxton again put to sea in the Constellation, being destined to renew his triumphs, and the humiliation of the foe. In February, 1800, he fell in with the Vengeance, a French ship of fiftyfour guns, with which he began an engagement, that lasted, with great obstinacy and spirit on both sides, from eight o'clock in the evening till one in the morning, when the Vengeance was completely silenced, and sheered off. The Constellation, having lost her mainmast, was too much injured to pursue her, before she had made her escape. The Captain of the Vengeance is said to have twice surrendered during the contest, but his signals were not understood amidst the darkness of night, and the confusion of the battle. The Vengeance had 160 men killed and wounded; the Constellation 39.

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In September of the same year, the Insurgente, so honorably added to our little navy, and the Pickering, of fourteen guns, the former commanded by Captain Fletcher, the latter by Captain Hillar, were lost in the equinoxial gale of that season. Our readers are probably reminded, by these melancholy events of earlier times, of the more recent similar fate of the Wasp and the Epervier. There were circumstances attending the loss of Captain Blakely, who commanded the Wasp, which rendered it peculiarly affecting and impressive. Captain Blakely had long sailed his daring little bark over the broad Atlantic, like a knight errant of the deep, in quest of perilous adventures; and had already captured the Reindeer, and obliged the Avon to strike her flag, both vessels of the same class with the Wasp; when he disappeared from the face of the waters, and our record is suddenly brought to a close. The mind long clings to a hope, that such noble spirits may yet survive, may yet return to their native land; and it surrenders its delusions only to the indisputable evidence of time.

Our difficulties with France were soon after accommodated. But our navy was not destined to be inactive. Some of the Barbary powers were becoming hostile and predatory. Many of our citizens were already suffering in a captivity, the most deplorable to which Christians could be subjected. A squadron was sent out to the Mediterranean, which found Tripoli in open war. The Enterprise, of fourteen guns, Captain Sterrett, fell in with a Tripolitan ship of war of equal force. The action continued three hours and a half, the Corsair fighting with great obstinacy and even desperation, when she struck, having lost fifty killed and wounded, while the Enterprise had not a man injured. In 1803, Commodore Preble assumed the command of the Mediterranean squadron, and after humbling the Emperor of Morocco, who had begun a covert war upon our commerce, concentrated most of his force before Tripoli. The frigate Philadelphia, Captain Bainbridge, by an unforeseen and inevitable accident, had already been captured by the Tripolitans.

This misfortune, which threw a number of accomplished officers and a valiant crew into oppressive bondage, and which shed a gloom over the whole nation, as it seemed at

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once to increase the difficulties of a peace an hundred fold, was soon relieved by one of the most daring and chivalrous exploits, that is found on our naval annals. Lieutenant Stephen Decatur, then one of Commodore Preble's subalterns, proposed a plan for recapturing or destroying the Philadelphia. The American squadron was at that time lying at Syracuse. Agreeably to the plan proposed, Lieutenant Decatur, in the ketch Intrepid, four guns and seventyfive men, proceeded, under the escort of the Syren, Captain Stewart, to the harbor of Tripoli. The Philadelphia lay within half gun shot of the Bashaw's castle, and several cruisers and gunboats surrounded her with jealous vigilance. The Intrepid entered the harbor alone, about eight o'clock in the evening, and succeeded in getting near the Philadelphia, between ten and eleven o'clock, without having awakened suspicion of her hostile designs. This vessel had been captured from the Tripolitans, and, assuming on this occasion her former national appearance, was permitted to warp alongside, under the alleged pretence, that she had lost all her anchors. The moment the vessel came in contact, Decatur and his followers leaped on board, and soon overwhelmed a crew, which was paralysed with consternation. Twenty of the Tripolitans were killed. All the surrounding batteries being opened upon the Philadelphia, she was immediately set on fire, and not abandoned until thoroughly wrapped in flames; when, a favoring breeze springing up, the Intrepid extricated herself from her prey, and sailed triumphantly out of the harbor amid the light of the conflagration. Not the slightest loss occurred on the side of the Americans, to shade the splendor of the enterprise. We find the cherished names of Lawrence and Morris among this gallant band, the latter of whom, then a midshipman, is said to have been the first to follow his impatient leader into the Philadelphia.

In July of this year, 1804, Commodore Preble brought together all his forces before Tripoli, determined to try the effect of a bombardment. The enemy having sent some of his gunboats and galleys without the reef, at the mouth of the harbor, two divisions of American gunboats were formed for the purpose of attacking them, while the large vessels assailed the batteries and town. On the 3d of August, this plan was put in execution. The squadron approached within gun

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shot of the town, and opened a tremendous fire of shot and shells, which was as promptly returned by the Tripolitan batteries and shipping. At the same time the two divisions of gunboats, the first under the command of Captain Somers, the second under Captain Stephen Decatur, who had been promoted as a reward for his late achievement, advanced against those of the enemy. The squadron was about two hours under the enemy's batteries, generally within pistol shot; ranging by them in deliberate succession, alternately silencing their fires, and launching its thunders into the very palace of the Bashaw; while a more animated battle was raging in another quarter. Simultaneously with the bombardment, our gunboats had closed in desperate conflict with the enemy. Captain Decatur, bearing down upon one of superior force, soon carried her by boarding, when, taking his prize in tow, he grappled with another, and, in like manner, transferred the fight to the enemy's deck. In the fierce encounter which followed this second attack, Captain Decatur, having broken his sword, closed with the Turkish commander, and, both falling in the struggle, gave him a mortal wound with a pistol shot, just as the Turk was raising his dirk to plunge it into his breast. Lieutenant Trippe, of Captain Decatur's squadron, had boarded a third large gunboat, with only one midshipman and nine men, when his boats fell off, and left him to wage the unequal fight of eleven against thirtysix, which was the number of the enemy. Courage and resolution, however, converted this devoted little band into a formidable host, which, after a sanguinary contest, obliged the numerous foe to yield, with the loss of fourteen killed and seven wounded. Lieutenant Trippe received eleven sabre wounds, and had three of his party wounded, but none killed.

Our limits forbid us to follow up the animated details of the several bombardments and attacks, which succeeded each other at intervals throughout the month. Day after day death and devastation were poured into Tripoli with unsparing perseverance, each attack exhibiting instances of valor and devotedness, which will give lustre to history. The eyes of Europe were drawn to the spot, where a young nation, scarcely emerged into notice, was signally chastising the despotic and lawless Infidel, to whom some of her most powerful governments were then paying tribute.

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On the 4th of September, Commodore Preble, in order to try new experiments of annoyance, determined to send a fireship into the enemy's harbor. The Intrepid was fitted out for this service, being filled with powder, shells, and other combustible materials. Captain Somers, who had often been the emulous rival of Decatur in the career of glory, was appointed to conduct her in, having for his associates in the hazardous enterprise, Lieutenants Wadsworth and Israel, all volunteers. The Argus, Vixen, and Nautilus were to convoy the Intrepid as far as the mouth of the harbor. Captain Somers and Lieutenant Wadsworth made choice of two of the fleetest boats in the squadron, manned with picked crews, to bring them out. At eight o'clock in the evening, she stood into the harbor with a moderate breeze. Several shot were fired at her from the batteries. She had nearly gained her place of destination, when she exploded, without having made any of the signals previously concerted, to show that the crew was safe. Night hung over the dreadful catastrophe, and left the whole squadron a prey to the most painful anxiety. The convoy hovered about the harbor until sunrise, when no remains could be discovered either of the Intrepid or her boats. Doubt was turned into certainty, that she had prematurely blown up, as one of the enemy's gunboats was observed to be missing, and several others much shattered and damaged. Commodore Preble, in his account, says, that he was led to believe, 'that those boats were detached from the enemy's flotilla to intercept the ketch, and without suspecting her to be a fireship, the missing boats had suddenly boarded her, when the gallant Somers and the heroes of his party, observing the other three boats surrounding them, and no prospect of escape, determined at once to prefer death, and the destruction of the enemy, to captivity and torturing slavery, put a match to the train leading directly to the magazine, which at once blew the whole into the air, and terminated their existence;' and he adds, that his 'conjectures respecting this affair are founded on a resolution, which Captain Somers and Lieutenants Wadsworth and Israel had formed, neither to be taken by

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the enemy, nor suffer him to get possession of the powder on board the Intrepid.'*

Soon after these events, Commodore Preble gave up the command in the Mediterranean to Commodore Barron, and returned to the United States. His eminent services were enthusiastically acknowledged by his admiring fellow citizens, as well as those of his associates in arms, 'whose names,' in the expressive language of the resolve of Congress on the occasion, 'ought to live in the recollection and affection of a grateful country, and whose conduct ought to be regarded as an example to future generations.'

The present volume of Mr Goldsborough follows the growth and history of our navy, down to the peace with Tripoli, in June, 1805, where his narrative ends. The residue of the volume is devoted to several miscellaneous topics, which are of particular interest to the navy, and to those who seek instruction on the subject. We should perhaps have been better pleased, had the narrative been continued, to the exclusion of these materials, which might have found a more appropriate place in works of a less popular character. They are, however, important to nautical men, and it may be well to compress such information within a small compass, for more easy reference. From Mr Goldsborough's preface, it would appear, that he had adopted his method of arranging events, from a belief that it was an improved one. It may be so, for those who are desirous of only viewing detached events, without any of their concomitants; but we suspect, that readers in general will be confused and dissatisfied with his frequently suspended and returning narrative. There is a regularity and connexion in the sequence of events, which can hardly be violated with any prospect of advantage; and we apprehend that whenever biography is departed from, it is best to adhere to a strict chronological order.

Mr Goldsborough has still a bright era before him; ample materials for many an interesting chapter, without drawing

* Naval Chronicle, p. 237.—We are the more inclined to coincide with Commodore Preble in his conjectures respecting this catastrophe, from reading the note which Mr Goldsborough subjoins to this detail. It is too long for us to insert; and we know not that we are desirous of increasing its publicity, exhibiting, as it does, such an appearance of bloodthirstiness on one side, and such a reckless spirit of self destruction on the other.

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too liberally from documents or the statute book.* Every American will be eager to see a detailed and complete account of the actions of our navy, during the late war. It will exhibit a series of brilliant achievements, such as no other part of our national history presents, and we hope the author will persevere, and be successful in setting these forth under their true aspect to the public eye.

ART. II.—*Lectures on the Philosophy of the Human Mind.* By the late THOMAS BROWN, M. D. Professor of Moral Philosophy in the University of Edinburgh. 4 vols. 8vo. Edinburgh, 1820. First American Edition, Andover, 1820, 3 vols. 8vo. Second American Edition, Philadelphia and Charleston, S. C. 1824, 3 vols. 8vo.

DR BROWN's posthumous work, the title of which we have prefixed to the present article, consists of one hundred Lectures. We have already given to our readers the substance of fiftyone, in our review of a Sketch,* drawn up by the lecturer himself, for the use of those who attended his class. As this is the last time that we shall formally present him to the public, we shall subjoin to our concluding rapid analysis of his philosophical works, such notices as we have been able to obtain respecting his life and character, together with a few summary criticisms on his genius and writings.

It will be remembered, that he first arranged all the mental phenomena into two general divisions, viz. the External Affections of the mind, and its Internal Affections. The former comprehended our sensations, including our muscular feelings; the latter involved our intellectual states of mind, together with our emotions. We exhausted the analysis of the first division, and proceeded as far as through the intellectual states in the second. The Emotions remain now to be considered, before completing the author's system of the Physiology of the Mind.

He declines venturing on a definition of Emotions, affirming that the attempt would be as truly impossible, as to define

* North American Review, No. XLIV.

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sweetness, or bitterness, a sound, or a smell, in any other way, than by a statement of the circumstances in which they arise. Perhaps so; yet, though one could not define a taste or a sound, it would be strange to philosophise upon either of them, without any reference whatever to the palate or the ear, which are their appropriated organs. Our author is liable to the charge of this delinquency, in omitting to notice what may be called the topical peculiarity of the Emotions. It must be familiar to the experience of every individual, that the seat of this class of feelings is the region of the *præcordia*. The author had already allowed the specific connexion between our intellectual states and the nerves and brain, which renders his omission on this point the more observable. He exposes himself to evident embarrassment and inconsistency throughout the work, by representing the mind as the *immediate* seat, both of the Intellectual States and Emotions. We believe that the alone true, intelligent, self active, immaterial, immortal principle lies, if we may so express ourselves, *behind* the regions of the two classes of feelings abovementioned, and communicates in some inexplicable way with both of them. There is certainly something within us, which *compares* one intellectual state with another, one emotion with another, and intellectual states with emotions. This is within the experience of all. But respecting the simple or compound nature of this interior principle, we hold all speculation to be useless.

To return to our work. The author's general principle of arranging the Emotions is their *relation to time*. They are

Immediate, or involving no notion of time whatever;

Retrospective, or relating to the past;

Prospective, or relating to the future.

Admiration, remorse, hope, may serve as particular instances to illustrate this distinction. We admire what is before us; we feel remorse for some past crime; we hope some future good.

Were they considered only as elementary feelings, without any regard to time, the emotions, he says, might be reduced to the following descriptions; joy, grief, desire, astonishment, respect, contempt, and the two opposite species of vivid feelings, which distinguish to us the feelings, that are denominated virtuous or vicious. Such a consideration of them,

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however, would be much more abstract, uninteresting, and inapplicable to human life and conduct, than the method which he has adopted.

The immediate emotions are subdivided into those, which do *not* involve any feeling that can be termed moral, and those which *do* involve some moral affection.

The following are our immediate emotions of the former kind. Cheerfulness, melancholy, wonder, mental weariness, the feeling of beauty, disgust, our feelings of sublimity and ludicrousness. To the latter subdivision may be referred the vivid feelings, that constitute to our heart what we distinguish by the names of vice and virtue, considered apart from the mere intellectual *judgments* we form respecting actions; our emotions of love and hate; of sympathy with the happy and with the miserable; of pride and humility.

The retrospective emotions are subdivided as they relate to others and to ourselves. Those, which relate to others, are anger and gratitude. Those, which relate to ourselves, are, simple regret and satisfaction, without the mixture of any moral feeling; and finally, remorse and self approbation.

The prospective emotions comprehend all our desires and all our fears. Of the former, the most important may be considered as enumerated in the following series. 'First, our desire of continued existence, without any immediate regard to the pleasure which it may yield; secondly, our desire of pleasure, considered directly as mere pleasure; thirdly, our desire of action; fourthly, our desire of society; fifthly, our desire of power, direct, as in ambition, or indirect, as in avarice; seventhly, our desire of the affection or esteem of those around us; eighthly, our desire of glory; ninthly, our desire of the happiness of others; and, tenthly, our desire of the unhappiness of those whom we hate.' The following paragraph on this subject, is a happy specimen of the author's analytical skill, and of the gracefulness and facility, with which he makes the common nomenclature of our mental feelings fall into his own philosophical arrangements.

'I must observe, however, in the first place, that each of these desires may exist in different forms, according to the degree of probability of the attainment of its object. When there is little of any probability, it constitutes what is termed a mere *wish;* when the probability is stronger, it becomes what is called *hope;* with

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still greater probability, *expectation;* and, with a probability that approaches certainty, *confidence.* This variation of the form of the desire, according to the degrees of probability, is, of course, not confined to any particular desire, but may run through all the desires, which I have enumerated, and every other desire of which the mind is, or may be supposed to be capable.' *Lecture* 55.

In the spirit of the foregoing paragraph, the reason why no peculiar place is set apart for the *passions* in this classification, is, that our passions are truly no separate class, but merely a name for our desires, when *very vivid*, or *very permanent.*

Dr Brown, also, goes into no separate classification of our fears, since it is evident that they are excited by precisely the same objects, which excite our desires. We *desire* to obtain any object, we *fear* that we shall not obtain it. We *dread* any pain or calamity; we wish, we hope, that we may escape it. Thus, our fears and our desires are correlative feelings, and whatever is said of the one, may be referred, by a kind of contrasted application, to the other.

We have thus given only a rough synopsis of the author's arrangement of the emotions. He devotes to them twenty one of the hundred lectures. This portion of the book will probably be found the most popular and interesting of the whole. It is generally rich and delightful writing, with the exception of some commonplace prosing, and a little occasional declamation. The author separately considers each article in the foregoing ample catalogue, metaphysically, morally, and theologically. His speculations on this department of his science, would well bear dividing into a number of profound and elegant essays. They are adorned with a variety of apposite and beautiful illustrations, from rather a limited but very select range of reading. Perhaps the most felicitous and striking traits, in this busy picture of the emotions, are the luminous explanations of the *final causes*, for which each of them was introduced into our mental constitutions. The wisdom and goodness of the Creator are here very impressively vindicated. Even anger, hatred, and other passions, most generally liable to abuse, are shown to bear their necessary part in that harmonious arrangement, which provides for the happiness of the species. But this consideration leads the author to establish safe lines of distinction, and

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to deduce from an enlightened view of our whole nature a body of excellent moral rules. To attempt even a slight sketch of the acute and profound disquisitions, the exquisite analysis, the fine sensibility, the sterling good sense, the eloquent and earnest recommendations of morality, the examination and confutation of many opinions and theories of Alison, Hutcheson, Smith, Stewart, and other philosophers, which these twentyone lectures exhibit, would be a task, agreeable indeed to ourselves, and profitable to our readers, but far too disproportioned to other purposes, for which this Journal is designed.

Among the very few topics here treated, on which we have found reason to dissent from the ingenious author, is that of Avarice. It will be seen, in his enumeration of the Desires above represented, that he regards avarice as only a modification of our desire of power. We are persuaded, that this is an inaccurate reference of the real and original principle of the emotion in question. Avarice is often exercised without regard to the attainment of any kind of power whatever. It loves money and property purely *as* such, and not for the gratifications they can purchase. Dr Brown was aware of this phenomenon, and felt its inconsistency with the above classification of the desire. He labors at great length, and quite unsuccessfully, to account for this obvious anomaly in his system. He falls into a maze of his own creating, by first ranking avarice as an indirect desire of power, and then finding that it is not always a desire of power. He wonders, through a whole lecture, why the miser should be so eager to deny himself all kinds of gratifications for the sake of that money, whose only real value is, that it can purchase, and is the representative of those very renounced gratifications! Would not our author's perplexity and inconsistency have been very easily prevented, by only adding an *eleventh* class of desires to the ten already laid down? Does not avarice flow from a distinct, original, and independent emotion, namely, a love of hoarding, or, as our author would have called it, *the desire of acquisition?* The child hoards its shells and pebbles, the virtuoso his curiosities, the collector his books, the scholar his intellectual stores, and the miser his gold, almost entirely for the gratification of this simple and separate propensity, with comparatively a faint and for-

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tuitous influence of other motives. And to pursue a favorite train of the author's speculation, before alluded to, it is well for us that our Creator has implanted in our minds this particular desire. In *His* prospective benevolence, indeed, it was intended to be a *direct* means of acquiring power, as instrumental to our happiness. But man often fulfils this intention blindly. An inattention to the distinction here pointed out misled the author, we doubt not, into his defective classification. Were it not for the strong operation of the instinctive propensity we are suggesting, man must often have perished through want, the consequence of carelessness and improvidence. We were not left to calculate the benefits resulting from frugality, nor to wait until we should smart from privations, occasioned by lavishness and inexperience. A desire of mere acquisition, therefore, seems to be a compensation as beautiful as it is indispensable, in this fluctuating and precarious world. A too great indulgence of the feeling, of course, becomes, like an abuse of all our other desires, criminal and mischievous.

It was probably in consequence of not adverting to this indubitable law of our mental constitutions, that Dr Brown, in endeavoring to account for the unreasonable excesses of avarice, which are sometimes witnessed, was led to lay a very disproportionate stress on the *regret*, that arises from early prodigality. Indeed, he would seem at times to regard this regret, as the original foundation and main ingredient of the passion. We are constrained to question the correctness of this theory. Who has not known instances of a decided bent for avarice, which could be traced up to the earliest period after infancy, when it was impossible that the little miser could have felt any inconvenience, or regret, arising from prodigality or extravagance? Fasten down the cover of a box, perforate it for a small aperture, persuade your child to convey to it every coin that is given him, tell him to search for money on the parade ground early in the morning after each muster day, instruct him to bargain away his cake and his toys for cash, deliver to him, perpetually, short solemn lectures and cautions on the propriety of saving and hoarding his money, and such discipline, acting on the native desire for which we have been contending, will soon convert him into a sordid wretch, long before he shall have experienced

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one feeling of pain at the destruction of his cake, which in fact he never devours. Regret for squandered means, we allow, is often one, among the many other circumstances, which Dr Brown has so happily enumerated, as enhancing and aggravating the force of the avaricious principle, and may sometimes awaken and develope it, when it has slept for a long time. But we cannot believe it to be the mainspring of the passion itself, nor sufficient, especially, to remove the embarrassment, which the author has encountered in the exposition of his theory. Even should the separate desire, on which we insist, be denied, still we would account for most of the workings of avarice on far different principles from this regret. But we forbear to trust ourselves now with the discussion.

Dr Brown has with great felicity assigned several reasons, for the paradox in common life, of a person parting tranquilly with large sums, while the loss of small ones is sufficient to destroy his happiness for a day. He might have accounted for this latter case, in some instances, not so much from merely avaricious feelings, as from the shame of being overreached in a bargaining transaction. To many persons, it is an intolerable thought, that the market man, with whom they are trading, will wink, in half penny triumph, at his brother market man, as soon as their backs are turned. Many, also, contend long for a trifle, from a pure sense of justice.

We come now to the consideration of our author's Ethical System. The Science of Ethics, he observes, has relation to our affections of mind, not simply as phenomena, but as *virtuous* or *vicious*, *right* or *wrong*.

What then is the virtue, which it is the practical object of this science to recommend? Why do we consider certain actions, says Dr Brown, and we could add, certain feelings, as morally right, and others, as morally wrong? The only test, according to him, is a simple emotion of *approbation*, or of *disapprobation*. We are so constituted, that we cannot help approving certain classes of human actions, and disapproving certain other classes. God himself, who gave us a relish for wholesome food, and a distaste for what is injurious, has, for analogous, but far higher purposes, created us subject to such immediate moral feelings.

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These emotions, our author contends, are uniform in all men, but occasionally modified by three circumstances. First, the influence of *passion* obliterates for a time, in many minds, the emotions that ought to arise on the contemplation of moral or immoral actions. Secondly, individuals, and even whole nations, have sometimes partial and imperfect views of the true tendencies of certain actions, in which there is *a mixture of good and evil*, and this is the cause why morality appears to fluctuate in different times and places. Thirdly, *association*, in various ways, exerts considerable influence in modifying and perverting the emotions, which would otherwise be naturally raised by particular kinds of actions. The author insists, that these three limitations still leave unimpaired the great fundamental distinctions of morality itself, the *moral approbation* of the producer of unmixed good as good, and the *moral disapprobation* of him who produces unmixed evil for the sake of evil.

He refutes the sophistry and skepticism, which pretend that, in consequence of the foregoing limitations, the science of morality is unsettled, and virtue itself but a precarious and fluctuating name. He maintains, that where one instance can be found of disagreement among men, in approving certain actions and disapproving certain others, there are millions and millions of instances, all over the world, of a perfect uniformity of moral sentiment.

The author next proceeds to examine other theories of morality, which have been broached by different writers. Hobbes, who makes virtue to depend on political enactment; Mandeville, who reduces it to a corrupt love of praise; Clarke and Wollaston, who identify it with the fitness and the truth of things; Hume, who measures it solely by the standard of general utility; the ancient and modern disciples of Aristippus, who resolve it into the pursuit of selfish gratification; Paley, who defines it to be 'the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness;' and Dr Smith, who allows it no other standard, than our sympathy with the feelings of others, are successively subjected to elaborate confutations. In these strictures we see displayed an instinctive acuteness, in seizing the points at issue, and an unrivalled power of argument. The author, of course, throughout the whole speculation, says

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many things to justify and illustrate his own system of morality, and mode of treating it. We have a few remarks to suggest.

The great defect of Dr Brown's ethical theory is, that he has confined his attention entirely to *actions*, which are only the occasional signs and representatives of virtue and vice in moral beings. We admire his discovery, as it may well be called, and on which another superior mind of our own country,* by a remarkable coincidence, has lighted, that certain feelings of vivid approval and disapproval are the true and original tests of right and wrong. As the physical qualities of substances can only be properly known, distinguished, and described, by their effects on our senses, and not by vain attempts to ascertain their abstract nature, so the moral qualities of thinking and responsible agents are to be designated by their *effects* on other minds. This, indeed, is an ingenious, a noble principle; it is a bright eyed offspring of the Baconian philosophy; it is the pioneer to satisfactory conclusions on the subject before us; it introduces at once a flood of light into this hitherto perplexed and obscure discussion. But having seized on the mighty instrument itself, Dr Brown seems to have failed in applying it with his usual comprehensive energy. In inquiring what objects, when contemplated by us, excite the approving, or disapproving emotion, he has strangely omitted the consideration of those mental feelings, or rather *states* of mind, which, in the first place, give to actions their entire moral character, and, in the second place, constitute, by themselves, more than nine tenths of the vice and virtue of the world, without even being brought into action. Thus, simple indifference to the welfare of others we disapprove as vice. A mere intention, a wish, is often virtuous or vicious. *Refraining* from action is frequently virtue or vice. Mere purity of mind we regard with the approving glow, which is paid to active virtue. Regret, shame, anger, joy, and other emotions, are regarded as right or wrong, according to the occasions on which they arise. It is not the blush that we admire and approve; but the modesty, of which that meteor like tinge is the enchanting signal. It is not the mere phantasmagorial sight of a man, exposing

* The late Professor Frisbie. See his Miscellaneous Writings, edited by Andrews Norton, p. 144, et seqq.

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his life to save a drowning enemy, that excites within us the vivid feeling of approbation; it is the sublime state of his soul at the moment, and which the action itself is only instrumental in making known.

Now, in consequence of not adverting to these essential considerations, Dr Brown has left this part of his ethical discussions in no little imperfection and perplexity. He all along states it as an ultimate law of our constitution, that certain *actions* excite within us the approving or the disapproving feeling, by which we distinguish them as virtuous or vicious. He speaks as if the moral nature of every action was immediately and intuitively known, as right or wrong, in the same manner as a color is immediately recognised as green or yellow. He takes no account of that long and varied thread of experience, observation, acquisition, reflection, deduction, culture, admonition, discipline, and example, by which moral feelings and ideas are developed in the mind of the child, and by which alone it comes at length to form its judgments of the character of moral actions. This, certainly, is a loose handling of the question, a very imperfect analysis of the matter under discussion.

If, therefore, the foregoing reflections are just, the true and amended theory of Dr Brown, the really ultimate law of our moral institutions, for which he sought, would be this.

Certain *emotions*, *desires*, *intentions*, or *states of mind*, in other men, which are made known *sometimes* by actions, sometimes by other sensible signs, and sometimes by verbal information, more or less direct, excite within us the vivid feeling of approbation, or disapprobation, corresponding to which, we are accustomed to denominate those states of mind, and the actions they produce, virtuous or vicious, right or wrong, moral or immoral. We are the more confirmed in this amendment of our author's philosophical views, from its coinciding with the principles of morality inculcated in the Sermon on the Mount.

It is from this point, we humbly think, that all ethical science must properly begin. Its adoption, we are persuaded, would have supplied a palpable defect in the work before us, and saved some readers many an hour of wistful dissatisfaction and perplexity. It is no more correct to confine the question to *actions*, than to the *looks* of the countenance. A tolerably

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plausible system of morals might be built on the latter, as well as on the former species of exterior manifestations. Would that theory of dialling be complete or scientific, which confined the inquiry to the shape of the gnomon, and the motions of the shadow alone, while the primary consideration of the sun's movements and rays remained untouched? Our author, in the outset of the discussion, seems to have had a glimpse of the principle we have been urging, but certainly lost sight of it afterwards. He defines the Science of Ethics, as having relation to our *affections of mind*, as virtuous or vicious, right or wrong. Then why not proceed, and erect the science upon this broad and true foundation? Why abandon it almost immediately, and say, 'One inquiry alone is necessary—*what actions excite in us*, when contemplated, *a certain vivid feeling*?' &c. [Edin. Ed. Vol. 4, p. 148. And. Ed. Vol. 3, p. 267.] We trust we have sufficiently shown the very narrow and incomplete relation, which this particular inquiry bears to ethical science as a whole.

In inquiring what constitutes the sense of *moral obligation*, Dr Brown appears to us to be aiming at a theory of too much simplicity. 'To feel,' says he, 'the character of *approvableness*, in an action, which we have not yet performed, and are only meditating on it as *future*, is to feel the *moral obligation*, or moral inducement to perform it.' The late Professor Frisbie seems to have been dissatisfied with this explanation, but in his criticism upon it, has not, we think, exactly approached the difficulty. 'Are there not many actions,' he asks, 'which seem to us to have very little virtue or merit, yet by which the feeling of obligation is very strongly excited; nay, is not the obligation often inversely as the merit, as for example, in regard to the payment of honest debts?'* To these interrogatories we reply, that the obligation, which Professor Frisbie instances, is not properly or entirely a moral obligation. Without being apparently conscious of the facts, he has shifted the very point in question. In regard to the payment of honest debts, there is something more than the sense of moral obligation; there is the sense of *legal* obligation; there is also the dread of offending society, creating enemies, and thus injuring one's general interests.

* Miscellaneous Writings, p. 157.

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Let a law be passed exonerating the debtor; let public opinion too coincide with the law. There will then be *merit* in paying the debt, and a merit exactly in proportion to the moral obligation.

In what respects then may it be said, that Dr Brown's theory is deficient? According to our opinon, he has, undesignedly, however inconsistently with himself, suggested the precise and true theory in a subsequent part of his speculations. The following sentence occurs in p. 395, Vol. 4, Edin. Ed. towards the close of Lect. 91. 'When I say, that it is my duty to perform a certain action, I mean nothing more than that if I do not perform it, I shall regard myself, and others will regard me, with moral *disapprobation*.'* Here, we are convinced, he has fallen upon the right key to the nature of moral obligation. It is not enough for us simply to approve an action, in order to feel the whole force of such obligation; the very word obligation implies some conditional *compulsion*, *constraint*, apprehended *penalty* in case of our neglecting the duty. Now, what is the penalty implied in the idea of moral obligation? Surely, as our author suggests above, the *pain*, which all moral beings feel in disapproving themselves, or being disapproved by others. It is this which we dread; it is this which *constrains* us. The moment we allow a fear of any other nature than this to operate upon us, such as a dread of corporal punishment, or bodily pain of any other kind, or an injury to our general interests, the *moral* changes into the character of *physical* obligation.

Dr Brown's distribution of the Duties is the old and obvious one of duties to others, to ourselves, and to God. His treatment of this subject completes the work, and, on the whole, deserves a similar tribute of praise, and similarly modified, with that bestowed on his treatment of the more general subject of the Emotions. Curious speculations are pursued, current errors are refuted, novel and valuable ideas are advanced, magnificent commonplaces are unfurled and waved about, and over the whole is diffused a vivid glow of

* Just to show the author's inconsistency with himself, above alluded to, turn over one leaf of his book, and there will be seen the following sentence. 'It is, as I have said, on the *one simple feeling of moral approvableness*, that every duty, and therefore, every right is founded.' But in the sentence in the text, has he not said that the sense of duty arises from a fear of *disapprobation*?

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moral and religious feeling. A few lectures, perhaps, in this portion, require a little bracing up of the attention to read them through; one needs a perpetual recollection, that one of our principal duties is to read Dr Brown's inculcation of the duties, and frequent repetitions are called for of the internal resolution, *I will go on.* In all probability, these few lectures were written under the influence of the same feeling. Yet somewhat tedious as they are, they will repay a studious perusal. Nor are many of them fairly liable to the foregoing stricture. On the contrary, several will be found to exhibit the author's peculiar vivacity, originality, and other excellencies. Instance the beautiful and ingenious lecture on friendship and gratitude, and one on the goodness of the Deity.

In treating of our duties to God, the author takes occasion to demonstrate the existence and attributes of the Almighty Being. He rightly discards the argument *a priori*, which forever assumes the very point to be proved. He relies altogether on the short, simple, but irresistible argument drawn from the appearances of benevolent design, so profusely scattered over every part of the universe. We are dissatisfied with his attempted demonstration of the unity of God, and never yet have felt the force of the same point of reasoning when urged by other writers. It is founded on the *unity and simplicity of design*, everywhere exhibited in the works of the Creator. Two objections to this argument we cannot conquer. The first is, that it would be not very difficult to make out a case of irreconcilable contrariety and multiplicity of design, apparent in the works of nature. For instance, in one point of view, what tender care seems to be taken of the happiness of all living creatures, while, in many respects, they seem to be left, with utter indifference, to their miserable fate. The second is, that even if a perfect unity of design, without the slightest apparent exception, could be pointed out as prevailing in the universe, it would not absolutely, or satisfactorily prove a unity in the power which produced it. A million of deities might conspire in the most complete uniformity of operations. A stranger to this earth would find a certain uniformity of design, nay, thousands of different operations and results harmoniously conspiring to a single end, amidst all the works of men. But it is unnecessary to say, how illogical would be his conclusion, that one being was the au-

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thor of the whole. He might, perhaps, properly infer, that one *genus* of beings had been at work in the construction of similar edifices, canals, cities, and other products of art. The mythology of the Greeks, which peopled every department of creation with presiding deities, was built on such an inference. And this, we are persuaded, is as far as human reason can legitimately advance, in *settling the point* of the simplicity or complexity of the divine nature. It is a matter as far removed from positive, abstract demonstration, as the Deity himself is removed from man. It is true, the idea of the unity of God is now embraced in the world with more or less distinctness and purity; there is nothing in nature to contradict or refute it, since even an actual contrariety of design might be consistent with it; nay, it is almost a self evident truth; philosophy can defend it by most plausible arguments; but philosophy must not, cannot assume the triumph of originally establishing and making it known. Every attempt to that effect which we witness, concurring with our inability to trace it so clearly to any other quarter, only drives us back with increased conviction to the leading representation of the Hebrew Scriptures, that the idea in question was originally and directly communicated from heaven, in some way or other, to men of Asiatic origin.

When Dr Brown comes to consider our duties to ourselves, he takes up the question of the Immortality of the Soul. He advances in the affirmative some arguments that are absolutely gigantic, and others, that appear feeble and untenable. We will give an instance of each kind. Those, who hastily infer the destruction of the mind from the destruction of the body, will find it difficult to evade the force of the following reasoning, which has all the weight and acuteness characteristic of the author.

'When the body seems to us to perish, we know that it does not truly perish,—that everything which existed in the decaying frame, continues to exist entire, as it existed before; and that the only change which takes place, is a change of *apposition* or *proximity*. From the first moment at which the earth arose, there is not the slightest reason to think that a single atom has perished. All that *was, is;* and if nothing has perished in the material universe;—if, even in that bodily dissolution, which alone gave occasion to the belief of our mortality as sentient beings, there is not the loss of the most inconsiderable particle of the dissolving frame,—the argument

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of analogy, far from leading us to suppose the destruction of that spiritual being, which animated the frame, would lead us to conclude that *it*, too, exists, as it before existed; and that it has only changed its relation to the particles of our material organs, as these particles still subsisting have changed the relations, which they mutually bore. As the dust has only returned to the earth from which it came, it is surely a reasonable inference from analogy to suppose, that the spirit may have returned to the God who gave it.' *Lecture* 96.

Nothing was ever better said. But Dr Brown was well aware of an argument, which the obstinate materialist still has in store, namely, that all the mental operations, and consequently, what the immaterialist gratuitously calls the mind itself, may be nothing more than phenomena, resulting from the union and organisation of material particles in a certain manner. Now to this our author offers the following feeble argument.

'If any one were to say, the Sun has no thought, Mercury, Venus, the Earth, Mars, Jupiter, Saturn, and all their secondaries, have no thought; but the Solar System has thought,—we should then scarcely hesitate a moment, in rejecting such a doctrine; because, we should feel instantly that there could be no charm in the two words, solar system, which are of our own invention, to confer on the separate masses of the heavenly bodies, what under a different form of mere verbal expression, they had been declared previously not to possess. What the *sun and planets* have not, the *solar system*, which is nothing more than that sun and planets, has not; or, if so much power be ascribed to the mere invention of a term, as to suppose that we can confer by it new qualities on things, there is a realism in philosophy, far more monstrous than any which prevailed in the Logic of the Schools.

If, then, the *solar system* cannot have properties, which the sun and planets have not, and if this be equally true, at whatever distance, near or remote, they may exist in space, it is surely equally evident, that an organ, which is only a name for a number of separate corpuscles, as the solar system is only a number of larger masses of corpuscles,—cannot have any properties, which are not possessed by the corpuscles themselves, at the very moment at which the organ as a whole, is said to possess them,—nor any affections as a whole, additional to the affections of the separate parts. An organ is nothing; the corpuscles, to which we give that single name, are all,—and if a sensation be an organic state, it is a state of many corpuscles, which have no more unity than the greater number of particles in the multitudes of brains, which form the sensations of all mankind.' *Lecture* 98.

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This reasoning will never do. To show its absurdity, let us follow it up for a moment in its own style. 'If any one were to say, the Sun has no' mutual attraction, 'Mercury, Venus, the Earth, Mars, Jupiter, Saturn, and all their secondaries,' when separate and alone, have no mutual attraction, 'but the solar system has' mutual attraction, 'we should then scarcely hesitate a moment in rejecting such a doctrine.' Thus, by our author's course of argument, we could disprove one of the most obvious facts of natural philosophy. So, again, what an acid has not, when alone, and an alkali, when alone, has not, the combination of acids and alkalies never can have; and, therefore, such a phenomenon as *effervescence* between acids and alkalies, according to our author, can never take place. The truth is, Dr Brown is here guilty of begging the question. The very argument of the materialist is, that *although* the particles of matter, when separate, are not able to think, yet, when brought together in a certain way, which the Deity may appoint, the result of their *influence on each other* may be the phenomenon, which we express by the word thought. This our author denies, maintaining, that what one particle cannot perform in a separate state, a multitude of particles cannot perform in any sort of combination. It is plain, however, that this is no answer, but only a flat denial of the materialist's argument, and, moreover, involves some most careless general positions, which are immediately disproved by an appeal to ordinary experience.

Before quitting this topic, we would just ask the author, why so strenuous in maintaining the immateriality of the soul, when, in his noble argument, quoted above, he assumes the imperishableness of matter?

On the whole, we cannot claim for him the merit of having placed the immortality of the soul on new and stronger vantage ground, than it occupied before. His reasonings on the subject appear to us to be full of assumptions. As might be expected, the discussion leads him too far from the track of pure philosophy into the entanglements of metaphysics. In defending the unity and indivisibility of the thinking principle, qualities which he regards as essential to its immortality, but which we do not, he is betrayed into arguments quite inconsistent with other statements in different parts of his work. For instance, he vigorously maintains that the mind can exist

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only in a single state at once. But according to his whole philosophy elsewhere, and even according to the most common experience, that very mind is capable of existing in an intellectual state, and in an emotion, simultaneously; and it may be remembered, that in explaining the soul's personal identity, he allowed, that along with the *memory* of a sensation or an idea, we have an *intuitive belief*, that we are the same individuals, who had the sensation or idea before.* One would suppose, that in these cases there are two states, in which the mind exists at the same moment. But our author endeavors to surmount the inconsistency, by denominating them *one complex state*. Now, we confess ourselves quite as unable to conceive, how a unique single principle can exist, in what the author calls a complex state, as how it can exist in two different states at once. If the latter be incompatible with its nature, why is not the former also? Truth is, the phrase, 'complex state,' or the still more impalpable and metaphysical phrase, which is sometimes a favorite one with the author, namely, 'a state of virtual comprehensiveness,' is but a wordy covering for a most unconquerable difficulty, and leaves the real nature of the mind in as much obscurity as ever. Amidst all his horror for rash hypothesis and gratuitous assumption, we are astonished at finding him everywhere asserting, as if it were an axiom of Euclid, that 'the mind is not composed of parts that coexist, but is simple and *indivisible*.' Now this is unwarrantable. According to the true spirit of the new philosophy, we have nothing to do with this question. Much can be said plausibly in favor of the compound nature of the mind, without furnishing any fair triumph to skepticism, or exciting any necessary alarm among modest philosophers.

Indeed, we have no hopes of gaining higher assurances of the soul's immortality, from any new speculations on its internal structure. Be it simple, or be it compound, we do not despair. We doubt whether all the philosophy in the world can either improve, or set aside, the lucid and truly Baconian argument of the Apostle to the Gentiles, founded on the analogy between the germination of a perishing seed, and the revivification of the human soul. The story left us by the Gallilean fishermen, which we are not ashamed to avow is far easier for us to believe than to doubt, needs no support from the

* North American Review, No. 44. p. 13.

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visions either of a Plato or a Priestley; and while we look down into the vacant tomb, that once belonged to Joseph of Arimathea, we are little swayed, either one way or another, by the ingenuity and strength, or by the feebleness and inconclusiveness, exhibited in the reasonings even of Dr Brown.

Our abstract terminates here. As an abstract, it is exceedingly imperfect, and conveys a very faint idea of the work. We have rather dwelt upon those topics, which seemed to require critical remark, than attempted to give a systematic sketch of all the author's achievements. We shall now fulfil our promise to exact, from various quarters, a few contributions to the illustration of our author's character and writings. The following notice is from a volume of the Edinburgh Magazine, for the year 1820.

'Dr Brown's character was one of extreme, and I might almost say, of fastidious refinement. The habits of speculative philosophy and abstract thought, had not destroyed the vivacity of his imagination, or chilled the warmth of his heart. He was by nature an enthusiast, and the prominent features of his mind in early youth were sensibility and ardor. At school he was distinguished by extreme gaiety and sweetness of disposition, and his cotemporaries remembered how much he delighted and excelled in the recitation of dramatic poetry. Soon after he engaged in philosophical studies, he distinguished himself for acuteness of reasoning; and his answer to Darwin's *Zoonomia* demonstrated the discriminating powers of his mind. It is not for the writer of this letter to presume to analyse the subtlety, and profound originality, of his metaphysical inquiries. Among those who attended his lectures, some complained of a certain vagueness and refinement that bordered on obscurity, but when he entered on the moral part of his course, he excited the highest degree of euthusiasm for all that was elevated and noble in human nature. It was then he gave full scope to the lofty conceptions of his mind, and displayed an energy and devotion in the cause of moral truth that could not be surpassed, and can never be forgotten.

'Dr Brown's manners might be considered somewhat artificial, and yet no man had more simplicity and singleness of heart, if that term belongs to one uninfluenced in his opinions, tastes, inclinations, and habits, by the caprices of fashion, or the calculations of a worldly mind. He never sought the society of the fashionable, the rich, or the high born, on account of any of these adventitious circumstances. He carried the independent purity of his political principles into the morals of private life. His habits were abstemious, simple, and self-denied. His liberality to those, who needed

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his pecuniary assistance, was as frank as it was unostentatious. But his benevolence was not of a kind to content itself with the cheap indulgence of almsgiving. Long after he had given up medical practice, he gave his time and attention to the sick friends, who required his advice; and what Burke said of Howard, in a sense restricted to the particular objects of his attention, might be said of Dr Brown universally; "He attended to the neglected, and remembered the forgotten." There are many persons, wholly unknown to the circles of fashionable life, who received constant proofs of his cheering and kind attention. One instance of this is so characteristic of his turn of mind, that I cannot omit mentioning it. Two Ayrshire peasants, who had made considerable progress in languages as well as in botanical and mathematical science, were recommended to his notice. After presenting them with gratis tickets for his lectures, he invited them to breakfast; the conversation turned on botanical drawing. One of them proposed to show the Doctor some specimens of his performance in that art. "I was pleased," said he, on relating this circumstance, "to see the progress I had made in the confidence of these young men during the hour of breakfast. They first came to my low door, but when they returned with the drawings, they rang at the front door. I had inspired them with the feeling of equality."

'The political principles of this excellent man were those of genuine Whiggism, untainted with the asperity of party prejudice. His reprobation of tyranny and oppression, wherever it was exercised, will be remembered by those who have heard him express his satisfaction at the overthrow of Napoleon Bonaparte, whose despotism he execrated. He took a deep interest in the political events of his own country. The five restrictive bills, passed during the winter session of 1819, excited his warmest indignation; and in a meeting held by the Senatus Academicus, on the occasion of condoling with and congratulating his present Majesty, he expressed his opinion of those measures very strongly. The most minute circumstances, favorable to civil and religious liberty, interested him to the last; and as an affecting instance of the sincerity of his feelings, on subjects connected with the freedom of his country, I may mention, that during his last illness, he daily inquired into the state of the Middlesex poll, an event, deeply interesting on a moral as well as political principle, as being the grateful effort of a generous people to reward the son for the virtues of the father; and when he was told two days before he died, that it had closed in favor of young Whitbread, though unable to speak, his countenance and manner expressed the liveliest satisfaction.

He had returned in the autumn of 1819 to Edinburgh, in remarkably good health, and engaged with much ardor in the composition of his class book. He had even sketched out great literary

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designs for his future execution, but that fatal disorder, which terminated in pulmonary consumption, seized him during the Christmas recess. He only lectured twice after the vacation. During the last lecture he delivered, he was greatly affected when he read some lines on the return of spring from Beattie's Hermit. He wished to persevere in his course. But his affectionate friend and physician, Dr Gregory, forbade it, and strongly recommended him to try the effects of a warmer climate. His reply was,—"No, I must die at home, you have no idea how miserably I am afflicted with the Maladie du pays." His decline was rapid and alarming. As long as he had strength to hold a pen, he continued to give unremitting labor to the writing of his class book. In February 1820, he received a short visit from his revered friend Mr Dugald Stewart, though at that time he scarcely admitted any one but his medical friend, and the members of his own family. On taking leave of Mr Stewart, he said gaily but emphatically, "I hope Moral Philosophy will live long in *you*."'

In addition to the above gratifying sketch, an American correspondent has obligingly furnished us with the following interesting particulars, which the numerous admirers of Dr Brown in this country will receive much pleasure in perusing.

'In compliance with your request, I send you the following very general statements. With Dr Brown I was personally acquainted, and occasionally spent an evening at his house. I experienced much of his hospitality during my stay in that country. Immediately upon my arrival at the city of Edinburgh, after the opening of the session of the University, I called upon Dr Brown, and procured a ticket of admission to his class. Interpreting the intent of your request in the sense in which I believe you designed me to do, I have been led to adopt the following simple plan. *The personal appearance* of Dr Brown seems first to draw my attention. His was in a very especial degree that of an intense student. He was of ordinary stature; of a pale and wan physiognomy; careless and inattentive in his dress. The characteristic of his countenance was highly attractive, and none could meet him in the streets without noticing it in a particular manner. Profound thought was engraven on every feature. There appeared to be a great mind at work within, and absorbed in the most abstruse speculations. The outward aspect of Dr Brown evinced to the observing mind, that his trains of thought were those of a higher order. Next, as to *the mode which he*

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adopted in delivering his lectures. In the class room he appeared in the most advantageous points of view. His manner was grave and dignified. He commanded profound silence, marked attention, and a high expression of regard. He read, or with more propriety I should say, he recited his lectures in an animated strain. He appeared himself to feel the importance of those intellectual views, which he had created and was delivering, and was solicitous that the value of them should be perceived and appreciated by those who heard them. He read the poetical quotations, occasionally introduced, in a distinct and impressive manner. I was accustomed to hail with delight the returning toll, which summoned us to lecture, and regarded it as a philosophical treat. Dr Brown did not permit his students to take notes during the time of lecturing, owing to a fact with which you are doubtless familiar, viz. that a few years preceding, some of the lectures of Mr Stewart were presented to the public in a garbled form, before the author himself had issued them. Dr Brown was desirous that his students should, at the close of the lecture, apply to him for the solution of those doubts of a metaphysical kind that might arise. With such he would freely converse.

'He was intensely *studious*. Although surrounded by such a host of social attractions as Edinburgh presents, he allowed not his studious habits to be violated. I heard him state, that he set apart two evenings during every week, either for the reception of his company, or for his own personal relaxation. The rest of his time he considered as sacred to study. The *manners* of Dr Brown were interesting and rather refined. He was full of conversation; very vivacious, and remarkable for the versatility of his information and diction. He could instantly enter upon any topic, however remote, and in his usual happy strain. In *private life* he was truly amiable. Two sisters lived with him, whom he supported. The most marked affection appeared to exist between them. He was devoted to the gratification of their slightest wishes. His feelings as a man were generous and noble. He possessed more than an ordinary share of sensibility, and would indulge, in the hour of conversation, in the most sympathetic strain, on any scene of distress, which he had either witnessed, or of which he had heard.'

We have delayed for six months the publication of the present article, in the hope of receiving from Edinburgh an

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essay on the life and genius of Dr Brown, by the Rev. Mr Welsh, announced as preparing for the press some time last year. But as yet, it has not been issued, and the distance of time is already too great, between our former and present articles on the lectures, to allow of any farther delay. A glimpse into Dr Brown's lecture room, as most of our readers will remember, is furnished in the impudent, but entertaining 'Letters of Peter to his Kinsfolk.'

Having collected and presented the foregoing testimonials of the peculiarities of our author's genius, and some notices of his life, a few desultory remarks on the former subject, and on the work before us, must be all that we now feel either inclined or justified to attempt.

The prominent capacity, in which Dr Brown offers himself to our minds, is that of a fearless, minute, and ultimate *analyst*. This is the characteristic, that distinguishes him from every other author on record. We are not disposed to vindicate his absolute superiority in many other striking qualifications. His style is far from being faultless, his scholarship is neither exquisite in choice, nor extensive in its range, nor are his observations on life and manners peculiarly rich or original; though in all these, as well as in many similar valuable requisites for a public instructer, he is not only not deficient, but is much more than respectable. But, in the art of looking into the elements and finer relations of things, in detecting the action and reaction between mind and matter, in reducing all human knowledge to its first principles, we boldly pronounce him to be without a competitor in our language. The true focus of Dr Brown's mind, the mark at which its most intense power acted, was fixed by nature for *microscopic* inspection. His more comprehensive surveys and larger classifications, though often imposing and magnificent, are sometimes dim, unwieldy, and incomplete. Witness his original arrangement of Politics and *Political Economy*, among the peculiar branches of the Philosophy of the Mind, an arrangement, however, which he did not subsequently follow. For another instance to the same purpose, we refer to his Inquiry into Cause and Effect, which wants distinctness in its general management and outline, though all the separate details of the argument are conducted with wonderful acuteness and power. Nor, while we follow him along the track of his curious speculations, or

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peruse his more splendid and ambitious compositions, do we almost ever meet with those happy generalisations of expression, which so frequently astonish and delight us in the French school of the last century. Indeed, if a generalisation of this kind had struck him, he would not have been content to state and leave it simply to his reader. He would have indulged his favorite habit of tracing out all the particulars that went to form it, thus appearing to arrive by gradual steps to a conclusion, on which Voltaire or Diderot would have alighted at once.

But they, on the other hand, displayed little of his peculiar faculty and strength. Whoever will gaze through the medium of Dr Brown's representations at the objects of his analysis, will perceive them clothed with unwonted brilliancy and distinctness, and new points of vision starting up, which were unsuspected before. All nature crumbles into infinitesimals before his glance. No man is a warmer adorer of the aggregate beauty and glory of the universe, but no man was ever so prone to regard it as a world of *atoms*. So too, while he is an impassioned admirer of roses and beautiful faces, he cannot avoid reducing them, by a kind of stereographic projection, into plain surfaces of colored rays. He gazes with a poet's delight on the splendid embroidery, which nature hangs around us, but traces the involutions of every thread with still more of the eagerness of a metaphysician. He has erected new landmarks between the regions of illusion and those of reality. He has dissolved much of the influence, which names still exerted on our ideas of things. The study of his writings produces on the mind a similar effect with the study of chemistry.

We look round upon creation with almost newly furnished optics; every incident suggests matter of philosophical speculation; the motions of an infant, and the actions of an adult, 'all thoughts, all passions, all delights,' assume unaccustomed aspects, and exhibit interesting relations in the varied system of things. It is worthy of remark, that at the same moments, when Davy was accomplishing some of his greatest achievements in the analysis of matter, Brown was arriving at some of his most brilliant results in the analysis of mind. Both natural and intellectual science seem to have attained a point

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of equal progress, when these two contemporaries arose, to push further analogous discoveries respectively in each.

The next most remarkable characteristic, that distinguishes our author, is the undisguised warmth of his moral sentiments. It is rather out of fashion, with existing literature, to seem very much in love with virtue. The phantom reproach of cant lowers in the distance, and frightens the moraliser into a well dissembled indifference. The public is a kind of good company, whose feelings must not be hurt by declamations against its favorite peccadilloes. The whining sentimentality of some authors, which was carried to a disgusting extreme about the end of the last century, and which received its death blow from Sheridan's character of Joseph Surface, underwent the usual reaction of other human extravagancies, and writers and talkers are now almost ashamed to testify any enthusiasm in favor of the parlor, every day virtues. Rousseau's delightful declamations, too, were mingled with so much that was unprincipled and false, that they contributed not a little to the same effect. Dr Brown has been one of the first to break this chill spell of assumed apathy. He comes forward, without fearing the charge of mawkishness or of hypocrisy, and pours out his whole soul in ardent praise of whatever is good and lovely. He appears as the unshrinking advocate, especially, of all the domestic and gentler virtues. The seriousness of his enthusiasm is well calculated to put to flight the skeptical and profligate smile of the scoffer. His works, in this respect, might be recommended as an antidote to the poison of Byron. Unlike most moral philosophers, he treats not of the virtues and of our moral feelings, with the same cold and scientific interest, that he would inquire into the affinities of a salt or a mineral. His inmost sympathies keep pace with his subject, and impart light to it. Several indirect testimonials to the truth and inspiration of Christianity, are scattered throughout his Lectures. He is thus shielded from the charge, so often urged against the productions of his illustrious predecessor. But we wish that he were more than so shielded, and that Christianity had been more directly, explicitly, and formally introduced into his moral system. We lament the miserable mistake, into which so many moral philosophers have been betrayed, in declining any assistance from the New Testament. How might Dr Brown have

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added light, sanctity, and authority to his own doctrines, while he in turn would have contributed no small support to the cause of Christianity. Can it be doubted, that Dr Chalmers is at this moment supplying the defect, on which we have been animadverting? May his attempts be wise and successful.

We have next a few words to say respecting our author's style. We remember hearing reported a happy *jeu d'esprit* on this subject, from the admired writer of Letters from the Mountains. When asked how she was pleased with Dr Brown's poetry, she replied, that it had too much metaphysics for her, and when immediately again questioned how she liked his metaphysics, she pronounced it too full of poetry. There is at least some foundation for this smart antithesis, though not enough to raise a serious objection against the writings in question. Dr Brown published several volumes of poetry at different times, but, in our opinion, scarcely a line of them was sufficiently metaphysical or respectable to deserve reading over, with the single exception of the Paradise of Coquettes. This work, published anonymously, was immediately, by the unanimous consent of the critics, pronounced to be second of its kind only to the Rape of the Lock. There is metaphysics in it, but we cannot think it *too* metaphysical. That portion of it, particularly entitled to this epithet, is one of the most sublime, beautiful, ingenious, and original efforts of the English muse. It is a description of the Heaven of Coquettes, and we have always regretted, that so very lofty a flight of the imagination should have been introduced into a work of a design so gay and humorous. It is difficult to read it without feeling religiously, rather than facetiously disposed. It somewhat resembles an inspired glimpse into the possibilities of a future state of being, and, with due modifications, would have been much more worthy of occupying a place in Baxter's Saint's Everlasting Rest, that gorgeous and delicious poem in prose, than of serving as a rhapsody in some heroi-comic effusion.

With respect to the other point of the abovementioned antithesis, we allow it to be better founded. There is a little too much poetry in Dr Brown's metaphysics, or, more exactly speaking, his general style as a writer is over poetical and ornamental. We are very far from recommending it as a

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a model, and should be sorry to see it adopted as such, with the same facility, that our young men copied the less ambitious, but still somewhat too measured flow of Mr Stewart's periods. We have sometimes thought that having written his Lectures, when comparatively young, and adopted at that time a florid and towering manner, Dr Brown was afterwards the less likely to correct it, in consequence of retaining, repeating, and laboring upon, the same course from year to year. He often indulges in solemn parade and emphatic preambles, while approaching the discussion of his topics, and talks much of the difficulty of his tasks. We know of no better way to characterise his style, than to denominate it ultra-Ciceronian. Coming short of the perfections attained, on the one hand, by the Roman orator, it leans, on the other, rather towards his faults. It is too elaborate, tumid, and redundant. It is like Akenside's verse turned into prose, except that it sends out not the slightest of a Grecian savor, and this last circumstance, coupled with the rarity, amounting almost to absence, of quotations from the Greek, convinces us, that the author must have been very superficially versed in the literature of that language. It may seem a hard and rash judgment to estimate a person's scholarship, from the number of his learned quotations; and so in general it is. But when one is a professed, and as we may say, an inveterate quoter, filling his productions with extracts from English and Latin authors, we may fairly conclude, that a line or two from Euripides, and a sentence now and then from Plato, if they had been 'familiar to his ear as household words,' would have embellished his moral declamations, or given point to some of his philosophical statements and conclusions.

Notwithstanding these negative peculiarities, it must not, however, be denied, that our Lecturer deserves to be ranked among the classical writers of the language. He is wanting only in a kind of Augustan perfection; yet still he is classical, in the same way as that epithet belongs to Ammianus, to Statius, and to Seneca. The last author, by the way, is a god of his idolatry, and is quoted by him, we remember, alone of all others, five times in one Lecture. No man ever wielded the resources of the English tongue more skilfully than Dr Brown, or wrote it in more perfect purity. Yet it was the general European standard of its perfection, at which

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he aimed, and not at its idiomatical properties and graces. His style has all the effort and completeness of a well executed movement by some scientific composer, but little of the indescribable and native charm, that pervades the beautiful melodies of his own country. He is full of brilliancies, while he has few felicities, and it is this defect, which will lose for him the greatest number of readers. There are no easy, sweet, and playful turns in his diction, to relieve the strained and everlasting *nisus* of scientific disquisition. He *hammers* everything to the last degree. There is not a thought shown us just as it came into his mind. Though we admire the productions of his skill, yet we almost hear the workman panting and striving at his labor, and the whole atmosphere of his book is redolent of oil.

A favorite figure of speech with the author, which he very frequently carries to a fault, is the climax. Scarcely a lecture that does not contain one. To set off some leading idea, or to give force and splendor to an illustration, circumstance is heaped upon circumstance, and clause mounts over clause, till the breath of the stoutest reader gives way, and the dizzy train of his thoughts often goes with it.

We must acknowledge that, in the writings of Dr Brown, there are too many obscure and difficult passages. After making due allowance for the imperfect state in which his manuscripts may have been left,* for the abstruse and shadowy nature of many of his topics, and even for an occa-

* We take the liberty of mentioning here a confused and erroneous arrangement of a few of the Lectures, at the end of the first, and beginning of the second volumes of the Edinburgh edition, and in the latter portion of the first volume of the Andover. To any one who will examine the matter with ordinary attention, there will, as we think, appear so many undeniable reasons for a substitution of the following arrangement, that we shall not take the trouble to enumerate them. It is certain that, as the Lectures now stand, nothing can be more perplexed and ill concatenated. To introduce order among them, we recommend these six movements.

1. Lecture 24, as now numbered, should unquestionably be Lecture 23.

2. But the *recapitulation* prefixed to Lecture 23, as it now stands, including pp. 511, 512, Edinburgh edition, or p. 345, Andover edition, should remain as it is. Then the body of the true Lecture 23, will properly begin near the bottom of p. 537 Edinburgh, or on p. 362 Andover. *That we now seem to perceive*, &c. This, if we are correct, should be continued to p. 563, Edinburgh, or p. 376 Andover, where Lecture 23 will properly end.

3. The recapitulation prefixed to Lecture 24, stands where it ought, ending near the close of p. 537 Edinburgh, or on p. 362 Andover, thus ;—*boundaries from the other*. The body of the true Lecture 24, will begin at p. 513 Edinburgh, or p. 346 Andover, thus ;—*Though the notion of extension*, &c. and

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sional mysticism and unattainable aim in some of his thoughts, there still remain too many sentences to remind us, by contrast, of the unabating transparency of Mr Stewart's elocution. On the whole, we must allow, that our author's is often a hard style to read, and, as we should have thought, a much harder one to hear. He seems frequently not to have adapted his sentences to the capacity of the ear. The attention is stormed and borne along, rather by the force and brilliancy of the expressions, by the earnest energy of the writer, and by the novelty, splendor, and importance, of his well selected topics, than by the clearness and distinctness of each successive position, and a certain smooth and resistless current of diction, of which Adam Smith, Paley, and Godwin in his philosophical works, occur to us just now as three of the most remarkable instances. It would be unfair, of course, to refer for this point of comparison to historical or narrative writing.

Though it is impossible to deny Dr Brown the possession of very extensive attainments in polite literature, yet sometimes there occur passages, which seem to indicate a want of familiarity with subjects, that are at the fingers' ends of every general reader.

In one place he condescends to impart, with much display, the information, that Abelard, besides his well known connexion with Eloisa, 'was distinguished for his talents and attainments of every sort;' and somewhere else he tells us, as a perfect novelty, the whole story of the sympathetic needles from Strada's Prolusions. Mr Stewart touches upon such things in quite a different manner.

The remarks hitherto made, apply to the general characteristics of Dr Brown as a writer. We have a few more

continue to the end of p. 530 Edinburgh, or p. 357 Andover, where the true Lecture 23 terminates.

We know no way of accounting for the disorder here pointed out, except by supposing that Dr Brown wrote his recapitulations on separate sheets of paper from the bodies of his Lectures, and thus, that the bodies of Lecture 23 and Lecture 24, have accidentally changed places, while the recapitulations continued in their proper order.

4. The whole of Lecture 27, recapitulation and all, should take the place and number of Lecture 25.

5. Lecture 25, recapitulation and all, should take the rank and place of Lecture 26.

6. Lecture 26, in like manner, should entirely assume the place and rank of Lecture 27. A slight inspection will demonstrate the correctness of these last alterations.

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specific criticisms to offer on the particular Lectures before us. Their posthumous publication is a warrant for gentle treatment, of which, however, they little stand in need. It is enough to secure Dr Brown the highest praise to say, that he has well discharged the vast responsibility of being the successor of Mr Stewart, or rather, of taking up the Philosophy of the Mind, where Reid and Stewart had left it. He enjoyed, indeed, peculiar advantages in coming after such men, and inheriting a certain general excitement and respect toward the science, to which they had been instrumental in raising the public mind. The era in which he wrote, too, was one of peculiar intellectual development. Poetry, and every branch of natural science, were daily accomplishing wonders, and our author's condition was precisely such, that he must either produce corresponding achievements in the Philosophy of Mind, or encounter the mortification of failure and obscurity. To these *arduous* advantages he was equal. Certain it is, that during his life he sustained the highest reputation as a Lecturer, and that on every individual, who witnessed his performances, without, as far as we are aware, a single exception, he made a favorable impression, unusually profound and permanent.

A very valuable, if not the most valuable feature of this great work, consists in the contributions which it furnishes to the science of Natural Theology. Paley had already collected from every part of external, material nature, the most striking proofs of benevolent design in the Deity. Brown has effected precisely the same object, with respect to the various phenomena of our intellectual frames. A volume might, with great ease, be extracted from different portions of these lectures, which would completely fill up the chasm in Paley's outline, and deserve a place in every library on the same shelf with his celebrated treatise. Its plan might be consistently extended and improved, by the addition of such extracts as most directly contribute to the cause of religion, morality, and right thinking. One recommendation, at least, of the proposed work would be, that it would present a body of the most clear, original, popular, and least exceptionable passages, that occur throughout the Lectures. Its tendency to higher utility can as little be doubted.

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The general plan of the Lectures is, perhaps, too unwieldy and encyclopedial for a single work. We have no right to complain, indeed, of any author, for giving to the public ever so extended a series of delightful and improving compositions. The statutes of his professorship might, also, have enjoined upon this writer a very comprehensive range of subjects, more or less connected with the mind. His original scheme, as we have before seen, included Politics and *Political Economy*. Why it might not also have embraced Languages, Rhetoric, and Grammar, with equal propriety, we cannot divine. We are of opinion that the proper Science of the Mind, if treated with the requisite compactness, would be limited to the investigation and description of our mental operations alone. Legitimately it cannot branch out into Moral Philosophy, nor into Natural Theology. Each of these should form a system by itself. The philosopher of the mind ought, indeed, to trace the *connexions*, which his subject bears with these and all other sciences. But he has no particular business with erecting *systems* of Moral, Theological, Political, or Historical Philosophy. For instance, he may, with Dr Brown, attempt to investigate the true nature of Moral Obligation. This is a sentiment of the mind. But as a mental philosopher, his task stops there. He departs from his particular sphere, when he proceeds to enumerate and enforce the personal, social, political, and religious duties, *arising out* of our moral obligation, since he thus encroaches on the real domain of the Moral Philosopher.

Among the inconveniences, to which the form of posthumous Lectures subjects this work, are the innumerable recapitulations and repetitions, which everywhere occur. Probably all the leading ideas and arguments are stated, to a greater or less extent, three times over; and many of them, even more. So that, were the Lectures reduced to a regular treatise, and these repetitions omitted, we should have a book exceeding in size little more than two thirds of the present. It should be remembered, however, that what is thus sometimes an annoyance in perusal, must have been attended with some advantages to those, who originally had the privilege of hearing. And even now, the reader will find much assistance in comprehending and appreciating the

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author's arguments, by studying the recapitulations, in which former statements are frequently placed in better points of view, and considerations altogether new, are sometimes presented. Nor on the whole do we regret, that the identical Lectures themselves have been published as they were delivered, with all those little incidental appeals to the honor and good feelings of the students, those occasional compliments to the author's colleagues in office, and those other allusions to circumstances of time and place, which take much from the abstract nature of the work, and invest it somewhat with the charm of local reality.

Although, as we before intimated, our author's style is the very opposite to the sententious, yet the vastness of his philosophy, and acuteness of his mind, have caused him to scatter several weighty maxims throughout these Lectures. We subjoin a few as morsels for reflection.

'Science is the classification of relations.'

'The form of bodies is their relation to each other in space,—the power of bodies is their relation to each other in time.'

'The power of God is not anything different from God.'

'The philosophy of the mind, and the philosophy of matter, agree, in this respect, that our knowledge is, in both, confined to *the mere phenomena.*

'We pay truth a very easy homage, when we content ourselves with despising her adversaries.'

'The difficulty of ascertaining precisely, whether it be truth, which we have attained, is in many cases much greater, than the difficulty of the actual attainment.'

'Philosophy is not the mere *passive possession* of knowledge; it is, in a much more important respect, the *active exercise of acquiring it.*'

'Happiness, though necessarily involving present pleasure, is the direct or indirect, and often the very distant result of feelings of every kind, pleasurable, painful, and indifferent.'

'When absolute discovery is not allowed, there is left a probability of conjecture, of which even philosophy may justly avail herself, without departing from her legitimate province.'

'To know the mind well, is to know its weaknesses as well as its powers.'

'There is always in man a redundant facility of mistake, beyond our most liberal allowance.'

'*All* the sequences of phenomena are mysterious, or *none* are so.'

'National ridicule is always unjust in degree.'

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'If we had been incapable of considering more than two events together, we probably never should have invented the word *time*.'

'That men should not agree in opinion, is a part of the very laws of intellect, on which the simplest phenomena of thought depend.'

'Objects, and the relations of objects—these are all which reasoning involves.'

Three or four lectures are occupied in giving the substance of the author's doctrine of Cause and Effect. It is an objection to the doctrine, when urged in his broad and unqualified manner, that it must tend to the discouragement of scientific inquiry. In pressing his particular views, he unguardedly represents it as a fruitless task to search for any other cause of a given effect, than the obvious and apparent one. But this would keep us back in the ignorance of infancy. The author could not have intended such a conclusion; but he should have provided better against it. Another thing that has struck us, in our perusal of these arguments, is, that they do not come much short of asserting, that the Deity himself cannot know why a particular cause produces its *immediate* effect. One more remark connected with this topic. When Dr Brown asserts, that nothing can exist in nature, but all the *substances* that exist in nature, what would he say of *motion?* Is this nothing, or is it something? If it is something, can it be called a substance? In short, the existence of motion, particularly spontaneous motion, though more intimately connected than any other phenomenon with this subject, and perhaps involving its essential difficulty, receives not in these speculations its due share of notice.

The author loses himself in a criticism on Hume, at the end of the thirtyfourth Lecture. Hume does not speak of the annihilation of an idea, as Dr Brown represents him, but of the idea of annihilation. This mistake destroys the whole reasoning.

We were disappointed in seeing no attempts to draw the characteristic lines of distinction, between man and the brute creation. The subject is nowhere hinted at. It was admirably adapted to the peculiar powers of the author. He does not even encounter the obvious objection, that most of his arguments for the immortality of the soul would as well apply to 'faithful Tray,' as to his master.

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We are not satisfied with the liberties everywhere taken, in quoting the English poets. Scarcely a passage from them occurs, that is not altered, apparently with a direct intention, though, we are not always fortunate enough to perceive, with a happier adaptation to the subject in hand.

From the author's ambition to say something of every subject, more or less connected with his particular science, we were surprised that he has interwoven no remarks upon Delirium, Hypochondriasis, Liberty and Necessity, and a few others. An evident vein of Necessitarianism runs through all his speculations. That doctrine may be pretty directly deduced from his views of Cause and Effect, as well as from his favorite statements of the operations of the mind. Amid his loftiest declamations, upon the immortality and other attributes of the soul, we never hear a word of its freedom, although such a topic would have thrown a characteristic lustre on many a splendid paragraph.

Perhaps it may be wrong to assert, that the author was under obligations to the late Dr Cogan, as that gentleman's name, unaccountably at any rate, is alluded to nowhere in the Lectures. Yet it cannot be denied, that a strong general coincidence exists between the two writers in their treatment of the Passions and Emotions, and several ethical questions, and particularly, the *final causes* of the actual arrangement of many mental phenomena.

Dr Brown, more frequently than any other writer, goes back to infancy, childhood, and savage life, for the decision of philosophical points.

He seems to have possessed little sense of the ludicrous. He never undertakes of himself to combat an error with satire. When he has need of this weapon, he constantly resorts to large quotations from Martinus Scriblerus, or Fontenelle. There is in this respect a striking contrast between himself and Dr Campbell, whose ridicule was as irresistible as his serious argument.

We were going on to particularise our favorite Lectures, and to transcribe abundance of other pencil marks, with which we have cumbered the margins of the author's pages, but there is no end to this kind of critical chitchat, and we forbear.

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ART. III.—*Recollections of the Peninsula.* By the Author of Sketches of India. First American from the Second London Edition. Philadelphia, 1824. 12mo. pp. 260. Carey & Lea.

THIS little book is not so much, Recollections of the Peninsula, as it is recollections of what was done in the peninsula between 1809 and the end of the war, by that portion of the British army, to which the author was attached. It is an amusing and interesting narrative, or collection of narratives, confined almost entirely to proceedings within the camp, of which it gives near and familiar views. Very little is said of the plans or movements of the entire army; but instead of these we are told, in minute detail, of what the author himself saw, did and suffered. Such sketches are, in a good degree, new, and afford us often a striking and animated picture of a soldier's life, as it is every day passed in the field and before the enemy.

'We bivouacked daily;' says he, giving an account of the entrance into Spain from Portugal. 'It is a pleasant sight to see a column arrive at its halting ground. The camp is generally marked out if circumstances allow of it, on the edge of some wood, and near a river or stream. The troops are halted in open columns, arms piled, picquets and guards paraded and posted, and, in two minutes, all appear at home. Some fetch large stones to form fire places; others hurry off with canteens and kettles for water, while the wood resounds with the blows of the bill-hook. Dispersed, under the more distant trees, you see the officers; some dressing, some arranging a few boughs to shelter them by night; others kindling their own fires; while the most active are seen returning from the village, laden with bread, or, from some flocks of goats, feeding near us, with a supply of new milk.' p. 42.

Again he says;

'Instructed by our last year's wants, our officers now took the field very comfortably provided; many of us were mounted, most of us carried tents, and experience having shown us what would be really useful, we had, at our leisure, procured and planned many little camp conveniences. Myself and my companion had our tent, camp table, and stools, palliasses, canteen, &c., and, after our servants got accustomed to the life, provided the weather was fair, and no especial order of march, or readiness, interfered, our meals were prepared and served in bivouacks, the most rude and unfrequented, altogether remote from towns or cities, with the greatest

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regularity, cleanliness, and comfort. A quarter of an hour after the halt of the column, our tent was pitched, kettle boiled, breakfast cloth spread, and tea things laid out under some shady tree, the goats milked, and we were seated in comfort at our cheerful meal. The dinner, too, no great variety in the cookery to be sure, for there are *but two dishes* seen in a camp, namely, soup and bouilli, or an Irish stew, but these with rice, pumpkin, tomatas, and a bottle of good country wine, left a moderate man little to wish for, and *nothing to grumble at.*' pp. 93, 94.

Another lively account is given of the occupation of Bucellas.

'On the thirteenth my regiment again moved to Bucellas. Near this town ran the second line of defence, and the post being considered highly important, six British battalions were stationed in it in reserve. The whole time that we remained here, our line was regularly under arms two hours before break of day every morning; and when the sun appeared above the horizon, we generally manœuvred for an hour before we were dismissed. For a few days on our first arrival in this quarter, my friend and I pitched our tent in the market place. Here I took my meals, but slept with my company in a church, in which about two hundred of our men were accommodated. The senior officer had the sacristy, the next a little chamber recess behind the high altar, and the rest of us made ourselves truly comfortable in the large organ loft. I used often to lean out of this gallery, and contemplate the strange scene below me. How a sober citizen from St Paul's churchyard would have stared, to see a serjeant of grenadiers writing his reports on the communion table, a fifer lounging at his ease in the pulpit, and practising his favorite quick step, and the men dividing and calling off their rations of raw beef on tombs of polished marble. Such, however, is but too faithful a picture of an every day occurrence on actual service.' pp. 123, 124.

The following is, we apprehend, a strongly marked and happy sketch.

'We had here [Arroyo] a most amusing specimen of French character. In the French column one of the regiments was numbered thirtyfour; in the British column also the thirtyfourth regiment led the pursuit, and got quite mixed with the enemy. Several of the French officers, as they tendered their swords, embraced the officers of the English thirtyfourth, saying,—"Ah, Messieurs, nous sommes des frères; nous sommes du trente-quatrième régiment tous deux."—"Vous êtes des braves."—"Les Anglois se battent toujours avec loyauté, et traitent bien leurs prisonniers."—"Ah, Messieurs, la fortune de la guerre est bien capricieuse."—Under any

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circumstances, however unfortunate, this people will find some method of disarming wrath, courting favor, and softening their fate; they have spirits, too, wonderfully elastic; and have the readiest ingenuity in framing excuses for any disaster, or disgrace, which may befall them. I was on duty over the prisoners a few days after the affair; at the close of the day's march a chapel was allotted to them for the night, and to have seen them take possession of it, one really would have thought that they were still marching free, and in arms; they entered it, singing, "Grenadiers, ici; grenadiers, ici"—"Voltigeurs, là, là; voltigeurs, là, là"—and ran tumultuously, the grenadiers to the altar, and the voltigeurs to the gallery. In ten minutes all were at home, some playing cards, some singing, some dancing, here a man was performing punch, behind a great coat, with infinite drollery; there again, quieter men were occupied in repairing their clothes, or shoes, while in one part of the chapel a self elected orator was addressing a groupe on their late capture, in such terms, as, "Messieurs, vous n'êtes pas déshonorés"—"On nous a trompé; cet espion, cet Espagnol, nous a vendu." "Et comment! qui vous a dit cela?" said a rough voice. "Monsieur," replied my orator, "vous me permettrez de savoir. Je suis de Paris même, et je connois la guerre." This speech was highly approved; for several vociferated—"Ah! oui, il a raison; nous avons été vendus par ce vilain espion." "Nous aurions battu les Anglois dans une affaire rangée, mais certainement," said my little Parisian; and just then the rations making their appearance, they all hurried to the door, and singing some song, the chorus of which was "Bonne soupe, bonne soupe," they eagerly took their meat, and set about preparing it.' pp. 174, 175.

Another sketch of a similar kind, and no less spirited, is to be found at pp. 136—7, giving an account of an amusing interview with some French officers on the banks of the Tagus, where Wellington so long held his enemy at bay, and where the two armies, when it happened, had been quietly watching each other nearly three months.

'About the middle of February, as I was one day walking by the river side with three or four companions, we observed an unusual crowd on the opposite bank, and several French officers. They saluted us, with a "Bon jour, Messieurs;" and we soon fell into conversation. They were exceedingly courteous. They spoke in the highest terms of Romana, who had lately died, calling him "Le seul général Espagnol digne de son grade." They asked after Lord Wellington; saying he had done wonders with the Portuguese, and praising him greatly for his conduct of the campaign. They next inquired if our king was not dead; and on

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our replying that he was not, one of them spoke, but inaudibly; another, in a louder voice, repeated "Le général dit, que tout le monde aime votre Roi George, qu'il a été bon père de famille, et bon père de son peuple." We were thus, at once, let into the rank of one of their party, and not a little delighted at the manner in which they had spoken of our excellent and unfortunate sovereign. A great deal of good humor prevailed; we quizzed each other freely. They asked us how we liked bacalláo and aceite, instead of English roast beef? and we, what they did at Santarem without the restaurateurs, cafés, and salles de spectacle of their dear Paris? They replied, laughing, that they had a theatre; and asked us to come over, and witness the performance of that evening, which would be, "L'Entrée des François dans Lisbonne." A friend of mine most readily replied, that he recommended to them "La répétition d'une nouvelle pièce, 'La Fuite des François.'" They burst into a long, loud, and general laugh;—the joke was too good, too home. Their general, however, did not think it wise to remain longer; but he pulled off his hat, and wishing us good day with perfect good humor, went up the hill, and the group immediately dispersed.' pp. 136—138.

We will add but one more extract, and that is of the French army as it appeared before and after the battle of Buzaco.

'On the twentysixth we again moved, and fording the Mondego, climbed the lofty Sierra de Buzaco, and found ourselves on the right of Wellington's army, and in order of battle. Our position extended nearly eight miles along this mountainous and rocky ridge, and the ground on which we formed inclining with a slope to our own rear, most admirably concealed both the disposition and the numbers of our force. My regiment had no sooner piled arms, than I walked to the verge of the mountain on which we lay, in the hope that I might discover something of the enemy. Little, however, was I prepared for the magnificent scene which burst on my astonished sight. Far as the eye could stretch, the glittering of steel, and clouds of dust raised by cavalry and artillery, proclaimed the march of a countless army; while, immediately below me, at the feet of those precipitous heights, on which I stood, their picquets were already posted; thousands of them were already halted in their bivouacks, and column too after column, arriving in quick succession, reposed upon the ground allotted to them, and swelled the black and enormous masses. The numbers of the enemy were, at the lowest calculation, seventyfive thousand, and their host formed in three distinct and heavy columns; while to the rear of their left, at a more considerable distance, you might see a

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large encampment of their cavalry, and the whole country behind them seemed covered with their train, their ambulance, and their commissariat. This, then, was a French army; here lay, before me, the men who had once, for nearly two years, kept the whole coast of England in alarm; who had conquered Italy, overrun Austria, shouted victory on the plains of Austerlitz, and humbled, in one day, the power, the pride, and the martial renown of Prussia, on the field of Jena. Tomorrow, methought, I may, for the first time, hear the din of battle, behold the work of slaughter, share the honors of a hard fought field, or be numbered with the slain. I returned slowly to the line; and, after an evening passed in very interesting and animated conversation, though we had neither baggage nor fires, we lay down, rolled in our cloaks, and with the stony surface of the mountain for our bed, and the sky for our canopy, slept or thought away the night. Two hours before break of day, the line was under arms; but the two hours glided by rapidly and silently. At last, just as the day dawned, a few distant shots were heard on our left, and were soon followed by the discharge of cannon, and the quick, heavy, and continued roll of musketry. We received orders to move, and support the troops attacked; the whole of Hill's corps, amounting to fourteen thousand men, was thrown into open column, and moved to its left in steady double quick, and in the highest order.

'When within about a furlong of one of the points of attack, from which the enemy was just then driven by the seventyfourth regiment, I cast my eye back to see if I could discover the rear of our divisions; eleven thousand men were following; all in sight, all in open column, all rapidly advancing in double quick time. No one, but a soldier, can picture to himself such a sight; and it is, even for him, a rare and a grand one. It certainly must have had a very strong effect on such of the enemy as, from the summit of the ridge, which they had most intrepidly ascended, beheld it, and who, ignorant of Hill's presence, thought they had been attacking the extreme of the British right. We were halted exactly in rear of that spot, from which the seventyfourth regiment, having just repulsed a column, was retiring in line, with the most beautiful regularity, its colors all torn with shot. Here a few shells flew harmlessly over our line, but we had not the honor of being engaged. The first wounded man I ever beheld in the field was carried past me, at this moment; he was a fine young Englishman, in the Portuguese service, and lay helplessly in a blanket, with both his legs shattered by cannon shot. He looked pale, and big drops of perspiration stood on his manly forehead; but he spoke not—his agony appeared unutterable. I secretly wished him death; a mercy, I believe, that was not very long withheld. About this time, Lord Wellington, with a numerous staff, galloped up, and

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delivered his orders to General Hill, immediately in front of our corps; I therefore distinctly overheard him. "If they attempt this point again, Hill, you will give them a volley, and charge bayonets; but don't let your people follow them too far down the hill." I was particularly struck with the style of this order, so decided, so manly, and breathing *no doubt* as to the repulse of any attack; it confirmed confidence. Lord Wellington's simplicity of manner in the delivery of orders, and in command, is quite that of an able man. He has nothing of the truncheon about him; nothing full mouthed, important, or fussy; his orders, on the field, are all short, quick, clear, and to the purpose. The French, however, never moved us throughout the day; their two desperate assaults had been successfully repelled, and their loss, as compared to ours, exceedingly severe. From the ridge, in front of our present ground, we could see them far better than the evening before; arms, appointments, uniforms, were all distinguishable. They occupied themselves in removing their wounded from the foot of our position; but as none of their troops broke up, it was generally concluded that they would renew their attacks on the morrow. In the course of the day, our men went down to a small brook, which flowed between the opposing armies, for water; and French and English soldiers might be seen drinking out of the same narrow stream, and even leaning over to shake hands with each other. One private, of my own regiment, actually exchanged forage caps with a soldier of the enemy, as a token of regard and good will. Such courtesies, if they do not disguise, at least soften the horrid features of war; and it is thus we learn to reconcile our minds to scenes of blood and carnage. Towards sunset, our picquets were sent down the hill, and I plainly saw them posted among the corpses of those, who had fallen in the morning. Nothing, however, immediately near us, presented the idea of recent slaughter; for the loss, on our side, was so partial, and considering the extent of our line, so trifling, that there was little, if any, vestige of it; not so the enemy; but as they suffered principally on their retreat down the hill, their slain lay towards the bottom of it; from whence, indeed, they had been removing their wounded.

'The view of the enemy's camp by night far exceeded, in grandeur, its imposing aspect by day. Innumerable and brilliant fires illuminated all the country spread below us; while they yet flamed brightly, the shadowy figures of men and horses, and the glittering piles of arms were all visible. Here and there, indeed, the view was interrupted by a few dark patches of black air, which, by a gloomy contrast, heightened the effect of the picture; but, long after the flames expired, the red embers still emitted the most rich and glowing rays, and seemed, like stars, to gem the dark

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bosom of the earth, conveying the sublime ideas of a firmament spread beneath our feet.' pp. 107—112.

Occasionally the author gives us picturesque descriptions of the scenery and manners he found in Spain; but when he is on these portions of his work, he indulges himself in an affectation of sentimental, fine writing, which is remarkably misplaced in the midst of the stirring adventures of a soldier's life. This sentimentality is, indeed, the principal and prominent fault of the work, and may be sufficiently offensive to some persons to induce them to throw it down altogether; but, for ourselves, we think it is redeemed by the happy sketches it gives of what belongs to actual service,—of an officer's life in the midst of his soldiers, in his tent, in his bivouack, in quarters, and before the enemy.

We wish, however, that he had spoken oftener and more at large of the Spanish national character, as it was exhibited to him amidst the various fortunes of the war of the peninsula, when it was brought out in so many ways. This character is, undoubtedly, one of the most strongly marked, and, in some of its appearances, the most picturesque in Europe; little known abroad, and often very wrongly estimated. We had once intended to give sketches of it, as far as it is exhibited in popular amusements, which, in all countries, and especially under despotic governments, are among its most prominent indications. But the subject proved too extensive, and we reluctantly abandoned it.

As, however, our recollections of the Spanish character have been revived by the little work, we have just noticed, we have thought we would endeavor to give some impression of the two most popular amusements in Spain, amusements which are undoubtedly, as characteristic of the nation as any thing in modern Europe. We refer to their public walks, and to their bull fights; and select the Prado, or great public walk at Madrid, and the Madrid bull fights, both because they are the most characteristic and splendid of any in the country, and because no attempt has been made to describe them which can be considered, in any good degree, successful.*

*We ought, perhaps, to except Blanco White's description of the bull fights of Seville; but these are quite different from the festivals at Madrid, and much less splendid.

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The Prado of Madrid is, both to Spaniards and strangers, a source of inexhaustible amusement. As a public walk, it is one of the finest within the walls of any European city, finer, in most respects, than either the Tuilleries at Paris, or the Chiaja at Naples. It begins at the gate of Atocha, and passing the magnificent entrance of Alcalà, extends round to the gate and convent of the Recoletos, following the limits of the city. Anciently it was an uneven meadow or field, as its name, like that of the Prater at Vienna, derived from the Latin, *pratum*, plainly shows; and, while it was in this condition, it was famous as the scene of most of the plots, duels, murders, and intrigues of the city, as is, at once, seen in the old plays and ballads. It was not, however, until the middle of the last century, when the adjacent palace of the Buen Retiro rose to great favor, that Charles the Third levelled it, planted it with trees, and made it the beautiful walk it now is

On entering it from the gate of Alcalà, or rather from the street of the same name, the stranger finds himself in the midst of a superb, wide opening, called the saloon; on the right hand of which is a double walk, and on the left, first a broad drive for the carriages, wide enough for four or five to pass abreast, and afterwards another double walk; the whole ornamented with three fine fountains and eight rows of trees, statues, and marble seats. During the forenoon and nearly the whole of the afternoon, in the fine season, no part of the city is so silent and deserted as this; and yet when the heat will permit, it is a spot, which, of all others in Madrid, is most attractive by its freshness, its solitude, and its shade. Between five and six o'clock, the whole Prado is carefully watered, to prevent the dust, which would otherwise be intolerable, in a city where rain is very rare in the summer season. Just before sunset the carriages of all Madrid, and a great proportion of the population of the city begin to appear; and about half an hour after sunset, the exhibition is in its greatest splendor. There is nothing like it anywhere else. In the vast space appropriated to the carriages and horsemen, two rows of coaches, forming one unbroken line, move, at a slow walk, up and down on each side, as they do in the Corso of Rome during the carnival, prevented by their own multitude from advancing any faster; while the

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king, the infantas, and the royal family, with their guards, dash up and down in the midst, at a full trot, in a space kept open for them, and compel every body on foot to be uncovered, and every body in a carriage to stop, and, however awkward the manœuvre may be, to stand up. But such equipages can be found in no other part of Christendom, such a motley confusion, or such a strange and incongruous variety; for the fashions of at least three centuries are confounded so completely, that it is often difficult to tell to which the different parts belong, and impossible to conjecture how they have been thus brought together. First, perhaps, comes along a beautiful coupée, such as might be ventured at the exhibition of Longchamp, or in Hyde Park, but drawn with difficulty by two worn out mules, attached to it by ropes, and with a postilion who looks as if he had come down unchanged, from the reign of Ferdinand and Isabella. Next follows a gothic looking chariot, without springs, covered with antique carving and gilding, but with two fine Andalusian steeds, who are kept with difficulty in the grave and measured pace prescribed to all, while, behind the vast machine, stands a light chasseur of the newest pattern, with his feathered chapeau de bras stuck affectedly under his arm. After this comes, perhaps, a broken down, dirty modern coach, painted on its pannels with all four footed and creeping things, and seeming almost covered over with laced lacqueys; and finally follows some ambassador's splendid parade barouche, which makes all the rest look dim and mean. But amusing as is the procession, which is thus brought together in the Prado, partly by the vanity of the nobility, who have hardly any opportunity except this to show themselves, but chiefly because there is no other drive in Madrid or its neighborhood, it should still be remembered, that the prevalent custom of using mules instead of horses, which extends even to the royal family, and the great proportion of antiquated, grotesque carriages, covered with all forms of vulgar painting and gilding, prevent this part of the exhibition from being little else besides amusing to a foreigner.

The exhibition on foot, however, in the saloon, and in the walks adjacent to it, is altogether different. The greater part of the persons, who constitute it, are women; and the national costume for them, which all are compelled to observe,

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from the highest to the lowest, the moment they appear abroad, except in a carriage, is so singularly adapted to produce a picturesque effect, and by its uniformity, to conceal any negligence in the dress of an individual, that a collection of Spanish women in the national costume, though taken from all classes, often resembles the groups, that are carefully and fancifully collected in the ballet of a grand opera to produce a stage effect. But this effect is nowhere so strikingly produced, as in the Prado of Madrid, where, above all others, the Spanish women delight to resort, and where their peculiar dress and manners can be best exhibited. The show they make here, is, indeed, altogether unique. Their dark basquiña so sets off their passionate physiognomy, and full, piercing eyes; there is such grace and coquetry in all their movements, in their manner of wearing and flirting their beautiful veils, and of beckoning a salutation to their acquaintance with their fans, as well as in the neatness and skill with which they dress every part of their persons, and particularly their feet, that every time a stranger sees this vast crowd of the Prado, mingled with the great number of the officers of the royal guard, who are always there in their showy uniforms, and the still greater number of monks and priests, in their dark, severe costumes, he must be persuaded anew, that it is the most beautiful moving panorama the world can afford.

At about three quarters of an hour after sunset, when the crowd is the greatest, the bell of the neighboring convent tolls for the angelus, or evening prayer, and the long line of carriages stops as if by magic, while every body on foot becomes instantly fixed as a statue, and prays, or seems to pray, in perfect silence. The effect is very striking; for the whole of this immense crowd, which an instant before sent up a murmur like the chafing of the distant ocean, is now as still as the earth beneath its feet; but in a moment afterwards, the busy hum and movement begin again, and all goes on as gaily as before. By eight or nine o'clock, however, even in midsummer, the multitude begins to melt away, and at ten none but the ordinary passengers are met there; except that sometimes, during the extreme heats, little parties are formed, that send for refreshments and music, and protract their gay evening, on the borders of one of the fountains, until midnight.

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The great amusement, however; the national and prevailing amusement; the amusement that swallows up all the rest, is the *Fiestas de Toros*,—the bull feasts, or bull fights. It is purely and exclusively Spanish;* and the passion with which it is sought by all classes, and with which it seems always to have been sought in Spain, is inconceivable to one who has not witnessed it, and would be incredible upon common testimony, if we had not the histories of the gladiators and the circensia to confirm it. Nothing has been written about the history of the bull fights, and very little can probably now be learnt of their origin. They do not seem to have come from the Romans, or to have much resembled the bull fights Cæsar introduced at Rome, which were probably taken from the contests, that were so famous in Larissa, and which must have continued very late, since they are mentioned by Heliodorus in his Æthiopica. The first intimations we have chanced to meet of Spanish bull fights, are in the Chronicle of the Cid, the oldest Spanish chronicle extant, which numbers them among the merry makings at the wedding of the Cid's daughters, which happened in the eleventh century. The General Chronicle of Spain, that rich mine, from which so many of the best materials for Spanish poetry and history have been alike drawn, says incidentally, that they were among the amusements in Saldaña, on the wedding of Alfonso the Seventh, of Castille, in 1124. A century later, the passion for them had become so decided, that Alfonso the Wise, in his famous laws called the Partidas, 1256—1263, found it necessary particularly to forbid prelates from indulging in them, though it is now an amusement at which an ecclesiastic would think it indecent to be present. At the marriage of John the Second, in 1418, they were remarked for their splendor, and Manrique the poet, who lived in the latter part of that century, speaks of their great fame in his time.

* Bull fights have been held, we believe, in Bayonne, and certainly in the remains of the Roman amphitheatre at Nismes; but this is owing, in both instances, to the immediate neighborhood of Spain, and the influence of Spanish manners; and, in each, they have been clumsily conducted, and had little success. In the middle ages, too, we have some notices of bull fights, the most remarkable of which is described by Gibbon, c. 72, and took place in the Coliseum, September 3, 1332, when eighteen knights were killed, obviously for want of practice in the art. Except these, however, we believe all other bull fights, of which we read, should be called *bull baitings*, and have no resemblance to the Spanish.

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From this period till the age of Philip the Third, was the most splendid epoch of the bull fights, for they were common throughout Spain, both among Moors and Christians; and the persons, who fought on all the great public festivals and rejoicings, were cavaliers and noblemen of distinction. Indeed, it was now so high an accomplishment, that it was praise enough to say of any one, as Roxas, in one of his plays, makes a prime minister say to his king, of a subject he recommends to great favor, that he is

> 'So brave,
> That with his single arm, he overthrows
> The leader of the herd.'

The poetry of this period, too, especially their beautifully wild national ballads, is full of the bull fights in Seville, Ocampo, Medina Cœli, &c, where Moors and Christians often joined in the same festival, and it was so truly one of the accomplishments of a good knight, that even the kings themselves practised it. Isabella, however, to whose patronage we owe the discovery of America, declared herself entirely opposed to them in her kingdom of Arragon, though still, at the same time she expresses her horror at their cruelties in a letter to her confessor, which is still extant, and is, perhaps, the earliest record of an unlimited condemnation of the amusement in Spain, she acknowledges they are so passionately loved by her people, that she does not venture to prohibit them. Her personal opinion and feelings, however, probably produced little effect at the time, and were certainly soon forgotten. Her grandson, the Emperor Charles the Fifth, as old Sandoval relates with pedantic minuteness in his history, killed a bull with his own hand in fair battle, at the games given in Valladolid, in honor of the birth of Philip the Second. Philip the Second, we believe, sometimes relaxed from his gloomy severities to join in them; Philip the Third certainly did; and Pizarro, the bloody conqueror of South America, was the most famous bull fighter of his time.

From the remotest period, too, the bull fights had been made a part of the great religious ceremonies and festivals of the country; and in the general splendor of all exhibitions in Spain, during the seventeenth century, they maintained their relative importance. At the great public and popular rejoicings, held on the canonization of San Isidro of Madrid,

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San Ignacio, San Xavier, and Santa Teresa, we are told that above three hundred bulls were killed, but these seem to have been the last exhibitions held in the capital, with such pomp and prodigality. Soon afterwards, the Bourbon dynasty came upon the Spanish throne, and brought manners and feelings, on such points, different from those of the Austrian family, which had preceded it. Under this new administration of Spain, therefore, the spirit of the arena for a long time declined, and the art of bull fighting seemed to be gradually passing out of the list of chivalrous accomplishments. Still, in 1725, there was a Count Pinto, who was distinguished in them; in 1750–55 a gentleman attached to the Court, and grandfather of Moratin, the admirable comic writer, now alive, used to play as an amateur; and in 1818, Don Pedro Romero, a person of family and consequence, repeatedly appeared in the arena of Madrid, from mere passion for the amusement.

In Andalusia, the nobility have private bull fights at their country seats, in which they take part themselves; and in the city of Seville there was, seven years ago, a Viscount Miranda, the head of an old and rich family, who used to be seen in the streets daily in the dress of a bull fighter, and who, in the amphitheatre, if the animal proved uncommonly brave, was often tumultuously called for by the populace, and always obeyed.

As a general remark, however, the bull fights rather struggled for their existence in Spain, during the latter half of the last century. Charles the Third, the wisest of the Bourbon dynasty, forbade them altogether; Charles the Fourth, the weakest of his race, restored them; but vexed at a personal insult, offered to him in the arena, forbade them anew in 1805; Joseph Bonaparte reestablished them among other expedients to obtain popular favor; and the Cortes continued them for the same reason. On the return of Ferdinand in 1814, it was contemplated again to abolish them; but the people were found so passionately attached to them, that it was considered most prudent to let them go on; and within a few years, this passion has so completely possessed the whole royal family, that the king and the infantas, not content with the public exhibition, which they never miss, and most munificently support, have begun to have private lenten entertainments of bull fights, at which noblemen enter the lists; so that they

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seem now to be more firmly established and in greater favor, than they have been since the extinction of the Austrian family. *Redeunt Saturnia regna.*

The bull fights probably had their origin in the habit of hunting the animal wild. Afterwards, we find they were practised outside of the cities, where the bulls, previously caught and partially prepared and exasperated, were let loose into the open plains. John the Second, 1407—1454, the first patron of letters, who ever sat on the throne of Castile, was also the first who brought bull fights within the walls of the cities, and established them in the public squares, where the animals were easily confined within a small space, and could be conveniently and safely seen by a greater number of persons. Philip the Third, in 1619, first opened them in the Plaza Mayor, or great square of Madrid, which he arranged expressly for this purpose. Hence we read continually in the old ballads and chronicles, that the knight came under the balcony of his mistress, and received a scarf, a token, or a smile, for the spectators were placed in the balconies and windows of the houses round the squares, upon stages and scaffoldings, and on the roofs and chimneys; and the bull was kept in by a line of lancers, who filled all the openings into the square, and presented their pikes to him whenever he approached them. The one, on whose lance he ran, received him as a reward for not blenching; but the bull rarely had courage to attempt so formidable an array, though he sometimes ventured with success, for there is a grave sonnet of Lope de Vega addressed to a bull, that broke the German guard and escaped.

All this, however, was ill arranged, awkward, and dangerous; few could see the spectacle well; and accidents occurred very often. At last, therefore, in 1684, a regular amphitheatre, in the Roman form, was built for the city of Madrid, capable of containing fourteen thousand persons, and others were soon afterwards built in other parts of Spain; but still these amphitheatres are everywhere called Plazas de Toros, as much as if the festival were still held in the public squares. The one at Madrid, it is curious enough to know, stands on the very spot, where the Inquisition before had its *Brasero* to burn Jews and heretics, so that its arena, like that of the Colosœum, covers the ashes of many a martyr and confessor. In this

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amphitheatre, which is outside the gate of Alcalà, the bull fights have been held ever since, except at great royal festivals, when it is thought more becoming the magnificence of the occasion to return to the great public square.

They take place only in summer, and during the season when the heat is not extreme, though certainly when, in Madrid, it is excessive, for they are omitted only during August and a small part of July and September. They happen always on Monday, and are given both morning and afternoon; in the morning with six, and the afternoon with eight bulls; but each part of the day, if the royal family be present, which now rarely fails, the people demand an extra victim, and it is uniformly granted.

Great preparations are made long beforehand. Fine bulls are collected from all parts of the kingdom, and pastured a few miles from Madrid; the best and fiercest coming from La Mancha, Navarre, and Andalusia. Two days before the festival they are driven in, to the great dismay of any person who may chance to be on the road, for they do not always treat those they meet as civilly as they did Don Quixote near Saragossa. On their arrival, they are shut up in a pasture near the amphitheatre, and on Sunday evening vast crowds of the common people go out to see them, as if it were a great show, and amuse themselves in speculating, with much shrewdness and humor, on the different degrees of courage and skill the different victims will exhibit in the arena.

At length the long desired day arrives, and, for all purposes of business, Madrid is like a protestant Sunday. The whole city throngs to the circus, or at least the whole of that floating population, which gives life to the streets and shops. Fourteen thousand can obtain admission, but many more remain waiting on the outside, merely to hear and repeat the shouts and stories that come from within. The amphitheatre itself is built of wood, but almost precisely like the Roman, except that, round its top is a row of covered boxes, in which the principal persons sit, instead of sitting below, near what was anciently called the *podium*. Those, who have fixed places, are admitted in the same way they were admitted at the Colosœum, by a ticket indicating the door where they are to enter, and the bench on which their seat is reserved;

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but those who have no fixed places, that is, the poorer classes, go very early, at six or seven o'clock in the morning, to contend for the best to which they obtain access.

In going down the broad and magnificent street of Alcalà, which is generally empty and silent, till the hour for the Prado arrives, it is found, even at eight or nine o'clock in the morning, filled with a noisy crowd of grandees in their awkward, clumsy coaches; of the middling classes in rattling heavy cabriolets, and calesinas, and the poorer inhabitants on foot jostling one another in their haste, to obtain an early admittance. The crowd continually thickens, until, round the amphitheatre, it often becomes a press. The passages and galleries are dark and inconvenient; a stranger feels almost discouraged in passing through them; but when his disappointment is greatest, in an instant, he emerges into the inner circle of the amphitheatre. The show, that is then so suddenly opened upon him, is beautiful and imposing beyond all names of beauty and grandeur; for what is there so splendid and so animating as a vast multitude in a picturesque costume, gracefully disposed; and what is there so graceful in its disposition as this very same form of the amphitheatre, with one row rising gradually above another; not bringing with it ideas of emptiness and desolation, like the ruins of Verona or Capua, but thronged in every part with an eager, impatient population, animated through all its ranks by one thought, one feeling, one burning passion?

The clock strikes ten, and, punctual to an instant, because the people, which truly feels the power of a people today, as it did in the spectacles and games of Constantinople, long after such free feeling was elsewhere entirely subdued,—punctual to an instant, the Corregidor, who is the chief police officer of the city, enters on a superb horse, richly caparisoned, but himself dressed in a suit of plain black velvet, and followed by four officers of justice; and making his way through the crowd that still fills the arena, advances respectfully to the royal box and stops beneath it. There the royal permission to celebrate the festival is solemnly given, by throwing down to him a key to open the enclosure containing the victims, after which he rides slowly round the amphitheatre, to drive out the multitude, stopping before each of its four entrances, which he causes to be closed and fastened, and going out at the last himself.

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Five alguazils now come in on foot to see if all be quiet, and examine the whole arena; but as they are the lowest officers of justice, and its executioners, the populace usually begins the exercise of its prerogatives for the day, by hissing and hooting them out. When they are gone, two of the gates of the arena are opened, and a number of bulls are driven across and out again, that all may see before hand how fitly the games have been furnished. But from this moment the barbarities of the festival commence, for as soon as these devoted animals arrive in the stalls where they are kept, an iron barb, or spike, with a ribbon attached to it, whose color indicates the province from which its bearer comes, is driven in between the shoulders of each bull; and it may serve as an indication of the state of manners at court, to know, that the wife of the Infante Don Carlos has often boasted, that she sometimes amused herself with driving in those very irons, whose chief object is to exasperate the victim by the torments they inflict.

In the meantime, while measures are taking to excite the bulls to the necessary degree of ferocity, which is plainly enough announced to the eager crowd without, by their enraged bellowings, the Corregidor comes in leading two of the Picadors, or those who fight on horseback, and places them on each side of the gate by which the bulls must enter. These Picadors, it should be noted, like all who mingle in the games, first confess themselves, in a chapel built and consecrated for the purpose in the grounds of the amphitheatre, where the sacred tapers are kept constantly burning, and a priest and the host constantly ready to administer the sacrament, and extreme unction, to any who may be mortally wounded,—a practice singularly characteristic of that union of gross superstition with vulgar guilt and brutality, which is often found among the banditti and smugglers of Spain, and of which very striking descriptions are given in many works of Spanish fiction; but especially in the tale of the Jealous Estremadurian, by Cervantes.

But to return to the games; the Corregidor, after having placed the two men on horseback at their posts, gallops out; but returns an instant afterwards with a key, which he gives to the keeper of the gate by which the bull must enter, with permission to open it; and then hastens out again for the

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last time, humbly saluting the royal box, in sign of having fulfilled all his duties. Thus far, the splendor of the ceremonies, the animation of the crowd, composed more than half of women in their picturesque national costume, and the grand effect of a compact mass of fourteen thousand people, the whole of which can be taken in at one single glance, make the bull fights, probably, the most exciting and imposing spectacle of modern times.

The festival, as it is called, now begins in earnest. A signal is given from the royal box; a flourish of trumpets instantly follows, accompanied by the shouts of the whole multitude within and without the amphitheatre; the doors of the den, where the bull is confined, spring open, and he bounds into the arena, goaded to fury by the iron driven in between his shoulders. Sometimes he makes an instant and furious attack on one of the Picadors; sometimes he hesitates a moment, startled at the shouts of the crowd; and sometimes he pauses in the centre with an air of coolness and dignity, as if he were not insensible to the ignominy of his persecution. The two Picadors* begin the attack. Like all who fight in the games, they are very fancifully and very richly dressed in the ancient Andalusian costume, which is partly of Arabic origin, and displays their fine persons to great advantage. It may in some respects be called a splendid dress, and the people are greatly offended at the smallest want of exactness or show, in this ancient national costume, to which they are greatly attached; and to which, indeed, they associate some of the fondest recollections of their earlier greatness.

These Picadors are always mounted on horseback, with peculiar saddles, resembling the Mameluke saddles, and with stirrups that cover nearly the whole foot; but, except a very imperfect protection for their legs, their whole persons are exposed, and they have nothing to defend themselves but a long pole called a *garrocha*, at whose extremity a sharp spear point is fixed; but so guarded, that it cannot enter above an inch and a quarter. One Picador only can maintain the contest at a time, and the bull must attack *him*, and not *he* the bull, or else, as in all other cases of the combat, very

* It is somewhat curious, that Centaur and Picador should have substantially the same meaning; since Centaur is derived from κεντειν ταυρους.

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great risk is run. The Picador endeavors, therefore, to place himself in front of the victim, but a little to the left hand; and the moment the bull sees him in a threatening position, he stoops his head for a blow, shuts his eyes instinctively, and runs in full career at his adversary. The horseman, at the same moment, advances to meet him; turns his horse, by a slight motion of the bridle hand, to the left, in order to receive the attack on his own right; and then endeavors to strike the bull about the shoulder, where, if the blow takes good effect, it is sufficient to push him quite off to the right, and wound him so severely as to make it almost impossible he should still urge his attack. If all this succeeds, as it generally does, the Picador puts spurs to his horse, gallops triumphantly to the opposite side of the arena, and then returns to meet another assault. If, however, the blow is ill struck, or if the bull has the courage still to press on, he comes of course within the spear point of his enemy, who being now without defence, his horse must inevitably be wounded or killed on the spot. This is necessarily a moment of great apparent danger; for the rider falls, of course, with his horse, and for an instant is at the mercy of the enraged animal he has so cruelly provoked. Accidents, however, as they are called, are commonly prevented in this, as in all cases during the combat, by a simple but very ingenious contrivance. In the arena and in a passage or space that runs quite round it, and is separated from it by a barrier about five feet high, are stationed, perhaps, a dozen men on foot, with large pieces of cloth, several yards long, generally scarlet or blue, and called *capas*, because they were originally the *cloaks* of the combatants. Two or three of these persons, the instant there is any danger to the Picador, hasten towards the contest completely unarmed, and even come quite near the bull, and play and shake these cloaks before his eyes. He, at once, leaves his object, however great may be his fury, and from an instinct of his nature, follows the color that has dazzled him. The person who carries the cloak he pursues, lets it fall, and the bull generally stops and tears it with his feet and horns; but if he advances, the dexterous individual who has deluded him and drawn him away, springs over the barrier into the passage way, and is safe. Sometimes, indeed, the exasperated ani-

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mal is of force sufficient to leap this barrier, and pursue his enemy into the space immediately below the lowest row of the spectators. A bull of great power and ferocity has been known to do this repeatedly. But there is no danger from it, for those who are in the passage have merely to spring back into the arena, where their enemy can follow them only by one of the regular gates, through which he is, indeed, immediately driven back again to the contest, amidst the shouts of the spectators, who thus honor his rare courage, as if he were sensible to their applause.

A bull of good spirit will continue to attack the Picadors, until he has received ten, and sometimes fifteen blows of the lance, dexterously bestowed; but, by that time, he finds the contest is more unequal than he at first supposed; his spirits fail, and he stands at bay in the centre, perfectly secure, since the attack must always come from himself, as it is then only, he so stoops his head and closes his eyes, as to give his adversaries the necessary advantage in the contest. This part of the fight, however, is more distressing and loathsome than any other, from the horrid sights of cold blooded cruelty it necessarily offers. On this point, indeed, the bull fights are worse than the shows of the gladiators; for in the Roman amphitheatre, courage and success saved the victim, but here, no courage, no coolness, no address, can save him, since it is the very principle of the contest, that the bulls should be the most bold and ferocious in the kingdom, and its very entertainment, that when these exasperated animals have defended themselves with a perfect bravery, and killed a large number of unresisting horses, they too should be sacrificed. A single bull has been known to kill four horses in ten minutes. But this is not the worst; for such is their barbarous economy in the lives of these unfortunate animals, that horses are constantly spurred on to sustain another attack, when large portions of their flesh have been torn out; while others, who have been so ripped open by the horns of the bull, that their viscera are seen hanging down, and literally and visibly marking the arena with blood every step they advance, are yet compelled to go on, until they sink down in the agonies and convulsions of death. And these, it should be remembered, are both of them ordinary circum-

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stances in the exhibition, and constitute no small portion of its excitement.

At last, then, the wearied victim stands at bay in the centre; and when it is seen that he will no longer be provoked, by gesture or menace, to attack the Picador, the people express their indignation in loud murmurs, if he has yielded too soon, or applaud him with shouts, that may be heard for miles, if he has continued the fight long and obstinately. Formerly there were three punishments for a bull, who showed that he wanted the proper ferocity so early in his trial; to hamstring him, to give him over to the dogs, and to put squibs and crackers on his back. The first, which was a kind of ignominious death, is no longer used; the second, which is extremely cruel, especially to the dogs, is of rare occurrence; but the last, whose purpose is to exasperate the animal's fury, is not very uncommon, though permitted only when the multitude will not otherwise be appeased. The cry for fire, or for the dogs, is one of the most appalling shouts of the amphitheatre, and is uttered in tones peculiarly sharp and savage.

When it is certain the bull will no longer turn on the horsemen, a signal is given from the royal box; the trumpets sound again; and five or six men called *Banderilleros*, all on foot, and all as fancifully and richly dressed as their predecessors, advance into the arena, armed only with two sticks about eighteen inches long, called *Banderillas*, or little flags, because they are gaudily decorated with ribbons and painted paper. Their extremities end in very sharp barbs, and every Banderillero carries one of them in each hand. A single individual thus armed, now goes in a provoking manner towards the bull, who seeing but one enemy, and that one so feeble, rushes furiously upon him; but, at the instant he stoops his head and shuts his eyes to strike, his cool and dexterous adversary plunges these barbed points into his neck, and he inevitably shrinks from the suffering they produce. His rage now knows no bounds, for his agony has become intolerable. The blood from his wounds runs down his sides, the foam falls at every breath from his nostrils, he utters piercing cries, tears up the sand, and attacks whatever he sees, from the undistinguishing fury produced

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by the acuteness of his torments. The prodigious dexterity of his adversaries, however, trifles alike with his strength and his rage; and every attack he makes on them, only leaves two more of these insupportable torments in his flesh. By the time, however, that six or eight have been left hanging by their barbs from his neck, he is no longer in a condition to receive any more; and exhausted, breathless, and almost deprived of the power of resistance, he stands again at bay in the centre.

Again the trumpets sound, and the third and last form of the fight is begun. The *Matador* (killer) comes slowly into the arena, dressed in a superb suit of black velvet, and holding only a naked sword in one hand, and a small scarlet flag in the other. He presents himself beneath the royal box, and kneeling there, receives an order to finish the sufferings of the noble animal, whose force and courage have been of so little avail to defend him. When the Matador has received this order, he turns instantly but with great calmness towards the bull, who, again deceived by the apparent weakness of his adversary, and inexpressibly irritated by the scarlet color, which, to the last, retains its power to rouse his ferocity, collects all his strength for one desperate effort of revenge; but misled by his very instinct, his attack falls upon the flag, and not the Matador; his horns pass inevitably within a hair's breadth of the life of his adversary, who, confident in his own skill, at that very instant turns slightly on one foot, levels his sword at the juncture of the neck and shoulder blade in front, and holds it firmly till the fury of the bull has driven him full upon it, and left it to the hilt in his body, when he falls, amidst the exulting shouts of the amphitheatre; but almost always so slowly and so nobly, that it seems as if, like Pliny's Roman Gladiator, he were determined to die with composure and dignity.

As soon as the bull is dead, three mules harnessed abreast, superbly decorated with rich caparisons, and with a flag mounted on the collar of each, are brought into the arena, and a rope attached to the bull's horns, by which they drag him out at a full gallop, accompanied by a grand flourish of trumpets and another shout of the people. Regular shambles are very near, where the carcass is immediately cut up by public butchers, and the meat sold at a low rate to the infe-

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rior classes, while, in the meantime, the great den of the amphitheatre is again thrown open, and another victim is contending vainly for life, with the same adversaries, and amidst the same ceremonies and horrors.

This is the amusement of the king, the court, and a large portion of the people of Madrid, from ten o'clock till one, and from three till seven, during the season when it is possible to enjoy it in the open air. The passion, with which it is sought, is almost inconceivable, and would be considered a new phenomenon in human nature, if we had not the histories of the games of Rome and Constantinople before us. It begins with the earliest years of the people of Spain, and is as thoroughly inbred as education can make it. Children, not more than five or six years old, may be seen everywhere in the streets imitating bull fights, in the mockery which Gongora has described with such happy simplicity, in one of his most beautiful ballads. Afterwards, they are every day seeing the representations of them, with which the walls of their houses are often painted, and hearing them the subject of continual conversation and universal interest; so that boys, not fourteen years old, may be found in the amphitheatre, who have already acquired all the pretensions and pedantry of hardened amateurs.

Nor is this love for the amusement confined to one class, or one division of society. Monday is a holiday in Madrid for all ages and ranks; and not only for those who go to the amphitheatre, but for those who stay at home. The shops are shut; the journeymen and apprentices claim it from their masters as a day of amusement; and the mechanics and lower classes refuse to work at almost any price; while, on the other hand, in the public offices, from the prime minister to the humblest drudge in the customs, whatever may be asked for, no answer will be returned, but the universal and all prevailing apology of the bull fights. Nothing, indeed, can prevent the multitude from going, if they have the means; not even the intense heat, which almost brings life itself to a pause in Madrid; and if they cannot get seats on the shady side, they will sit in the sun during one of the burning noons of July or September, and do it so heedlessly, that, a few years ago, the first bull fight given after the dog days, sent a crowd of patients to the hospital, thirtyeight of

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whom died almost immediately of fevers thus caught in the amphitheatre.

But the moral effects of the bull fights are more fatal yet. The extreme interest the common people take in whatever relates to them rises afterwards, at every moment of excitement, to passion and guilt. Quarrels grow up about a favourite Picador or Banderillero, that are never appeased; the details of one of these shows become the occasions of family bitterness for life; they are among the causes of the frequent assassinations in Madrid; and, in 1818, a man stabbed his own brother in open day, in one of the most public streets of the city, so that he fell instantly dead, in consequence of a difference that had thus arisen in the amphitheatre in the morning.

These are certainly very extraordinary facts, well enough known in Spain, but little known anywhere else; such as cannot be recollected by those strangers, who have witnessed them, without horror, nor be read by others without astonishment, and perhaps incredulity. It must be curious, then, to inquire for a moment, what there is in the bull fights, of power thus to excite and inflame the passions of a whole people; and thus to take, for a time, from such vast multitudes, some of the highest and best attributes of our nature. In the first place, there is the animation of the crowd, divided into parties, that take sides with the bulls according to the provinces from which they come, as indicated by the ribbons on their necks; and continually excited and exciting; continually passing from one strong emotion to its opposite; now murmuring at a Picador, because his blow was not well struck; now crying out to have fire put upon the bull's back to exasperate his failing rage; and now waving their hats, and handkerchiefs, and fans, and shouting *bravo*, till the heavens seem to echo it again, because, goaded to desperation, he has left his eighth horse dead in the arena.* Now, setting aside the cruelty of all this, as those who are accustomed to it really do, and recollecting and seeing only the immense population so gracefully arranged round the amphitheatre, and constantly bursting forth with such varied and passionate feel-

* No bull is allowed to kill more than eight horses. When he has done this, he is given over to the Banderilleros and the Matador, as one not to be subdued by the *garrocha*.

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ing, it is not easy to imagine a spectacle more splendid and magnificent. Indeed, it is certainly true, that the power of human sympathy will not suffer any man entirely to resist it.

It is curious and interesting too, under a despotism like the Spanish, to see the people, when, from their union in a great mass, they for a moment feel their own strength, and from their excitement are disposed to use it; when, in fact, they feel themselves to be what they are, and become free in consequence of it. Royalty is little respected on Mondays in Madrid; and, therefore, whatever the people persist in demanding at the amphitheatre is granted to them, to avoid disagreeable consequences. The entire freedom the populace take to themselves, on these occasions, and which seems to constitute not a little of their excitement, is often very remarkable, and, under other circumstances, would be found offensive and dangerous. In one instance, when a particularly brave and collected bull had cleared the arena of his adversaries, a number of young men, in the king's presence, shouted repeatedly, that 'he was fit to be president of the Cortes;' and of another, who shrunk from the contest after receiving only two blows of the Picador, apparently the same persons kept crying out, amidst the general expressions of disappointment and rage, that 'he ran away from danger like a king.' In a third instance, on the same day, a bull was very difficult to kill from his great coolness; so that, at last, he had two swords in his neck, neither of which had inflicted a mortal wound. A young man, in the throng, amused himself with clapping his hands and crying out, as if much pleased with his own wit, that he 'looked like a *Mater dolorosa*,' alluding to the image, so common in Catholic countries, of the Virgin with several swords in her bosom.* Now, under so severe a government of the church, as exists in Spain, and under a tyranny so timid and cruel, nothing could well be more obnoxious, than such compliments to republicanism, such ribaldry against royalty, and such blasphemy in a matter of religion; and if these same phrases had been shouted in the same manner, in any other mob, there can be little doubt, the imprudent individual would have been safely lodged in the

* This fancy is founded on a whimsically literal interpretation of a text in the second chapter of Luke.

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Inquisition within twentyfour hours afterwards. The bull fights at Madrid are, indeed, an apology and warrant for all sorts of licentiousness in language, just as the games were at Constantinople, when the factions in the circus divided the state; and, what would perhaps be no less curious, the Spanish amphitheatre might now furnish, as the Roman once did, an anthology of popular wit, which would no doubt be vulgar enough, but would hardly fail to be very characteristic and amusing.

Another source of the pleasure, and the chief source of the strong emotions excited at the bull fights, is, the great *apparent* danger overcome by still greater dexterity. There is some real danger. Few bull fighters, who persevere in the occupation, and especially very few who rise to be Matadors, die out of the arena; but still many of them live to a tolerable old age. Hardly one a year is killed at Madrid, and not more than two or three wounded; but, yet, there is no absolute safety in any degree of skill, for Illo, the most accomplished bull fighter Spain has produced for fifty years, perished like the rest from a bull, that was as cool as himself. But though the danger may be really small, it *seems* every moment, to one little practised in such things, imminent and inevitable. Thus, for instance, when the bull bursts into the arena, and rushes on the Picador, and horse and rider are alike overthrown in an instant, there seems to be no hope of escape, and even when the Picador has been saved by the delusion of the mantle, it seems only as if the victim were changed, but not as if the horrid sacrifice were to be spared. Then, again, when the Banderillero, armed only with the barbs, advances alone into the arena, and defies the bull, who instantly rushes upon him in full career, so near do his horns necessarily come, before he feels the points that turn him aside, that it often seems as if they had actually entered the bosom of his adversary. And, finally, when the Matador comes out with a single naked sword for his only defence, he seems to offer himself up to the ungoverned ferocity of his exasperated foe, who yet in an instant falls dead at his feet. Now in all these cases, there is such an obvious disproportion between the force of the bull and that of his adversaries; there is such a striking victory, obtained by dexterity and self possession, over mere physical strength, that,

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though one unaccustomed to such exhibitions might turn pale with horror, as Hobhouse says Lord Byron did, or faint as many others have done, yet to a regular frequenter of the amphitheatre, who fears no danger, and is hardened to the cruelty, it is a scene of unbroken delight and exultation.

But, after all, we must come to the natural question, what are these pleasures compared with their consequences? What is the imposing grandeur of such a vast and excited crowd; the splendor of such picturesque ceremonies; these bold and striking outbreaks of the popular character; and this astonishing exhibition of the triumph of human dexterity over brute force and instinct, compared with the wanton and useless slaughter of so many noble and generous animals; the scenes of loathsome cruelty, which the arena every moment offers; the violent passions it excites; the guilty hardness it carries into the heart and character; and the portentous education it contributes to give to the rising generation, and the rude populace of a great capital like Madrid?

ART. IV.—1. *The Refugee; a Romance.* By CAPTAIN MATTHEW MURGATROYD. 2 vols. 12mo. New York, Wilder & Campbell, 1825.

2. *Hobomok, a Tale of Early Times.* By AN AMERICAN. pp. 188. Boston, Cummings, Hilliard & Co. 1824.

3. *Peep at the Pilgrims, in* 1636. *A Tale of Olden Times.* By the Author of 'Divers Unfinished Manuscripts, &c.' 2 vols. 12mo. Boston, Wells & Lilly, 1824.

4. *The Witch of New England; a Romance.* Philadelphia, Carey & Lea, 1824.

5. *Saratoga, a Tale of the Revolution.* 2 vols. 12mo. Boston, Cummings, Hilliard & Co. 1824.

6. *Adsonville, or Marrying Out; a Narrative Tale.* 12mo. pp. 285. Albany, S. Shaw.

7. *A Winter in Washington; or Memoirs of the Seymour Family.* 2 vols. 12mo. New York, Bliss & White, 1824.

8. *Tales of an American Landlord; containing Sketches of Life south of the Potomac.* 2 vols. 12mo. New York, N. B. Gilley, 1825.

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9. *O'Halloran, or the Insurgent Chief; an Irish Historical Tale of* 1798. By the Author of 'The Wilderness.' 2 vols. 12mo. Philadelphia, Carey & Lea, 1824.
10. *Goslington Shadow; a Romance of the Nineteenth Century.* By MUNGO COULTERSHOGGLE, Esq. 2 vols. 12mo. New York, 1825.

WE remember the time, when an American novel was a single, diminutive volume, sent out with no attractions, either of type or paper, and with but one quality likely to recommend it to the notice of the reading part of the community, and that was cheapness. We should rather say, perhaps, lowness of price, for that could scarcely be called cheap, in the common acceptation of the term, which, considering its real value, would have been dear at almost any rate; and so indeed the public seemed to believe, for the experiment of authorship was seldom made, and still less often repeated. The records of the trade, for a series of a dozen years, would probably be searched in vain for the advertisements of as many novels. Times are now changed, when the retrospect of a single year affords us the decade of indigenous works of this sort, whose titles stand at the head of this article, all fairly printed and done up, as the advertisements have it, in neat boards, all, with two exceptions, having the proper number of volumes, which the present state of taste and fashion has limited to two, and all, we have reason to believe, if we may once more be allowed to borrow a phrase of the trade, enjoying the patronage of a liberal public.

Of the causes which have operated in producing this change, the principal, indeed, is time, which has brought with it an increase of population, wealth, leisure, and education, that has fostered this in common with every other branch of literature. But another, and one of considerable importance, is the appearance of certain foreign works of fancy, as the tales of Miss Edgeworth, but more particularly those literary phenomena the Scottish, or Waverley novels. These have had a powerful effect in increasing the demand for works of a similar character. They have served to bring the practice of novel reading into better favor with the graver part of the community, and to take off many restrictions, which were formerly in force against this amusement. The extraordinary suc-

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cess of the works above mentioned has provided for the supply, while it increased the demand, by stimulating the efforts of hosts of imitators in their own country, and of some in ours. When we consider the rapidity of production, not only in the case of the master, but also in that of many of his followers, as well as the number and variety of the latter, it is a natural remark, that works of this sort are easily written, and that the Great Unknown deserves the reputation of good fortune, as well as of merit, in having hit upon a vein, which is so easily and profitably elaborated.

Whether this be the case, is a question to be solved by an examination of the particular characteristics of the works of the new school, and such an examination we propose to make, as briefly as the nature of the subject will admit. We assure our readers, in the meantime, that we do not intend, as the manner of some is, to use the title of this article, as a mere cover for a critique on these works, and make it an occasion of showing our own exquisite relish of them, and our ability to render a reason for it. We intend a *bona fide* review of certain American novels, acknowledged copies of a particular pattern, and we think it expedient first to settle, in some measure, what are the peculiarities of that pattern.

The Waverley novels are for the most part historical. They are founded on events, and represent scenes and actors, with whom we were before acquainted. This character they have in common with many others. The Misses Porter, Madam de Genlis, and a host of others, not to mention the old romancers, have attempted in this way to call our associations in aid of their fictitious narratives. This method has its advantages. In the first place the writer has his story, or at least a part of it, ready made to his hand. The outlines of his picture are sketched, and he has only to fill up the intervals, and add the lights and shadows. Moreover, a step is taken towards producing a vivid impression, in the mind of the reader, of the things and persons represented, the grand object both of the novel and the drama.

But this method has also its objections. When an author presents before us an Amanda, or a St Orville, whom we see for the first time, we regard them as we do a fancy picture. It is beautiful or it is not. It is only necessary that it be a likeness to a human being, and if the artist does

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not actually put wings to its shoulders, it may be allowed to pass for such. But when he places before us a Bruce, or a Bayard, Mary of Scotland, Cœur de Lion, or Washington, he must do something more; he is painting from what we have seen and known, and it is not sufficient, that he has made a striking picture, it must be a likeness. If he succeeds, his work is the more valuable, if not, the greater is the failure. A picture of a friend may be valuable to a stranger, from the beauty of its execution, to us it has no value without resemblance.

On the whole we believe, that the advantages of this method more than counterbalance the difficulties attending it; that it is easier to embellish a story, than to invent one, and less difficult to hit off an indifferent likeness of a real being, than to make an exquisite picture of an imaginary one.

The Scottish novels are, in the next place, topographic. The descriptions are taken from real scenery, rather than from arbitrary combinations of fancy. This is a striking peculiarity of these works, and attended with many advantages to the writer. It affords great facilities for the multiplication of novels. The variety and beauty of natural objects are endless, and the author is thus provided with an apparatus, which serves to supply deficiencies of various kinds. A poor play is helped off by new scenery and elegant decorations; and a story may be made agreeable, when set off by beautiful descriptions of picturesque realities, which would have been hopeless in the hands of a novelist of the last generation, with no better properties, than an old castle, a cave, a forest, a few green fields, and a drawing room. The whole Waverley school have owed much of their success to this peculiarity.

Again, in the works of this school, the dialogue bears a large proportion to the incident. The authors, having once

> 'placed their persons before ye,
> Ungallantly leave them to tell their own story.'

They are essentially dramatic, and the transitions from place to place, and from action to action, are made rapidly, and, as it were, between the acts. The writer's aim is to keep himself out of sight, or to appear only like the ancient chorus, to connect the parts of his story. The descriptions are frequently put into the mouths of the actors, and the

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circumstances of an action described, as they appeared to a bystander. Again, the personages are drawn from models that exist in nature. The men are men, and the women are women, compounds of wisdom and folly, virtue and vice, beauty and deformity, 'warmed and cooled by the same summer and winter' as ourselves, and actuated by as great a variety of passions. But the heroes and heroines of the old school were as monstrous, as the genii and fairies of earlier times, and the stories were usually devoted to the development of the single affection of love. To those, who were under the influence of the tender passion, these narratives were singularly grateful. But to those, who had never experienced, or had recovered from this 'madness,' that is to say, to the majority of mankind, they possessed less interest. The novelist of the present day has a wider field, and it is hard if, from the variety of character and motive, which history and observation can suggest, he cannot find something in accordance with the sympathies of every reader.

But the actors in these works have not only a human, but a national, and often a provincial character. This, especially as exemplified in modes of speech, may be either an advantage or a disadvantage, though it is commonly the former. Thus, when the author of the Scottish novels makes his persons speak in their native dialect, he touches a string, which has often vibrated before. The Doric charms of the 'lowland tongue' appeal to our associations with Ramsay and Burns, and the national songs, and sweeter national music of Scotland. The subject of manners and customs is, moreover, one of general interest, and as an adherence to these serves to give individuality to the characters in these narratives, it is so far an improvement on the practice of the older novels, and advantageous to the writer. With respect to a certain, though a small number of readers, it is rather a disadvantage; we mean those, if any there happen to be, who are near the place and time of the supposed action. As a man can never be a hero to his valet, so his own house, his own city, or his own time, can scarcely be made to appear picturesque or romantic to himself. He has been behind the scenes, and beheld the ropes and the pulleys, he has drummed upon the thunder, and rattled the barrel of hail with his own hands, till imagination is fettered by fact.

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For this reason, we may observe *en passant*, an American novel will, where other things are equal, be more interesting to the English public, and the reverse.

In these various ways a new and fertile field has been opened to the modern novelist, in which equal labor will produce far more than in the exhausted soil, on which his predecessors toiled. As to the question, whether the novels of this class are easily written, we are inclined to decide in the affirmative; or, to express ourselves more definitely, since ease and difficulty can be appreciated only by comparison, we doubt not that, other things being equal, it is an easier task to write a Waverley novel, which shall be tolerably interesting, than one after the older fashion.

If the opinion, that mediocrity in this pursuit is easily attainable, be well founded, it would seem to follow, that works of this kind will become exceedingly numerous, and that a large proportion of them will have a considerable circulation, and consequent influence upon the public opinion, taste, and morals. It follows, further, that it is the duty of reviewers to exercise a strict *surveillance* over this department of literature, to be careful in pointing out the merits or demerits of individual authors, as far as practicable, and prompt to oppose pernicious influences, and endeavor to give a beneficial direction to a force, that they cannot resist if they would.

Before leaving the general consideration of the novels of the Unknown, we may observe, that the ease and beauty of their style, and the numerous and happy allusions, with which they abound, have had a powerful influence in establishing their popularity. This excellence it is not easy to imitate. It requires a union of talents, practice, and learning, which is not commonly met with, and in this particular, the failure of his imitators has been very remarkable. It is to be regretted, that he has occasionally been guilty of a carelessness of composition, and an introduction of obsolete, or foreign words and idioms, which are more attainable, and more likely to be copied by his followers; as the vices, or eccentricities, of a great man, are more easily and generally imitated than his virtues.

We come now to the examination of the novels before us. The first on our list is the *Refugee*, by Captain Matthew

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Murgatroyd. One is apt to form some opinion of a work from its title page, and we believe there is generally good ground for such a practice. In this particular instance, we were somewhat prejudiced by the title. It indicated effort, and struck us like 'a great reckoning in a little room.' We could not help anticipating the entrance of the author upon stilts, and this impression was abundantly verified. The work is prefaced by an introductory correspondence, in which he labors to be witty with all his might. It is hardly necessary to say, that his labor is in vain. The time of action is the commencement of the revolutionary war. The hero, Gilbert Greaves, is the descendant of a Welsh family, whose history is given in the beginning, at greater length than was necessary. His father, who had for many years resided on the banks of the Hudson, repairs to New York for the purpose of joining the royal forces, on the breaking out of the troubles. Gilbert follows him, soon after the news of the battle of Bunker Hill, and arrives at Staten Island just before the battle on Long Island. A singular anachronism, by the way, as the latter happened more than fourteen months after the former. Greaves is present at the action, and of course behaves heroically. He remains with the army in New York a few days; becomes disgusted with the royal camp; falls in love with a Miss Keith; rescues her from the insolence of the commander in chief; goes over to the American army; is taken prisoner again at the battle of White Plains; condemned to death by a British court martial, at which his father plays the Roman; and brought out for execution, from which he is rescued by the arrival of Sir Henry Clinton; marries Miss Keith, and returns to England.

Considered in its relation to history, this is a very exceptionable performance. It abounds with petty anachronisms, calculated to impair the verisimilitude of the story. On one occasion the hero, in 1776, thinks of the sufferings of Captain James Riley; on another, a barber is made to speak of the conduct of General Gates at Saratoga, about a year before the circumstance. In the second volume, Washington sneers at the behavior of General Heath, at the 'retreat from White Plains.' What retreat was this? The speech purports to be made, while the army was encamped at the very spot, after their retreat from New York, and before the battle,

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which was followed by the retreat from it. Again, on the occasion of the rescue of Greaves, there is a most inextricable confusion of times and persons. Sir William Howe we suppose to be represented by the character of Arleston, the commander in chief at New York. Greaves is rescued by the arrival of Sir Henry Clinton from England. But every one knows, that Sir Henry Clinton was already in New York; he had a command in the battle of Long Island, and again at Ripp's bay. Again, it is said, that 'Sir William turned his eye upon the *cidevant* general (Arleston) with a most terrific scowl.' Sir William who? And when did Sir Henry Clinton, or any other Sir, supersede General Howe in 1776? But perhaps Arleston is not Sir William Howe. Who is he then, or where was Howe, while Arleston was commander in chief on Staten Island, or in New York? Once more, Miss Keith, who is rescued two or three days before the battle of White Plains, sails for England, is taken by Paul Jones 'in the chops of the channel,' returns to America, is wrecked on Long Island, and arrives in New York, two days before that of Greaves's intended execution, which was not many days after his capture at the battle above mentioned. This implies a rate of travel, which has not been known since the days of Astolpho, or the Princess Scheherazade, and probably never will be again, till Mr Perkins's generator is in full operation.

In the delineation of character our author is not much more successful. His personages are exceedingly numerous, but have very little individuality. He endeavors, indeed, to make them speak for themselves, but their language and motions continually disclose the writer. They remind us of the figures in an indifferent puppet show, where Punch squeaks, and the Devil roars, in tones which are too evidently mere modifications of the same voice behind the curtain. Thus, he makes a British sergeant speak of the 'Magnus Apollo of the States,' and an American subaltern, in 1776, quote Spenser and the classics.

The style of the work is excessively bad. It is a labored parody of Scott's worst manner; we mean that, which he himself describes as 'the ambagitory,' or 'circumbendibus.' The author of the Refugee carries this to a ridiculous extreme. He is never content to express a simple circumstance

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in plain language, but is always seeking for some roundabout, or tumid paraphrase. He is continually making sentences, and endeavoring to turn his miscellaneous reading, or store of anecdote to account. He seems determined, that the reader shall never lose sight of him, and it is not surprising, that his readers frequently forget both his story and his actors.

The interest is also divided by episodes and underplots, till it is nearly reduced to nothing. It is almost impossible to carry in one's mind the history and adventures of so many different persons, especially when these are neither remarkable in themselves, nor well related. We know not what, but a determination to make two volumes, could have induced this writer to give us an account of the action of the Bon Homme Richard, and the whole history of the life and adventures of Paul Jones, between the accounts of the trial and intended execution of his hero.

We noticed several unauthorised, or vulgar expressions, such as '*conclude* to omit,' '*bright* judgment,' 'noisy as sin,' 'men of extra *pluck*,' 'I *reckoned* the moment the most fortunate,' 'the tabby cat *recumbed*,' and the like. Among the colonial dependencies of Great Britain, are enumerated 'Bengal, St Helena, and the *Isle of Dogs*,' which last colony is not so many miles distant from the centre of London, as to be entirely out of reach of the sound of bow bells. Again, he observes of the thrushes and larks, that these 'merry grigs were early and late at their concerts.' To say that a bird is as merry as a grig is one thing, but to call it a grig, or eel, is another and a very different one. He might as well have called a whale a fish.

A book must be bad, indeed, that has no redeeming qualities. It cannot be denied, that the author's persevering struggles for wit are occasionally successful, that there is now and then a tolerable description, or a spirited dialogue; but these are rare, and it is very evident, that the writer has mistaken the admiration of good novels, for the power of writing them, and that his work evinces reading, rather than thought, observation, or accuracy.

Hobomok.—This is in many respects the very opposite of the Refugee. The matter is contained in one small volume, with an unpretending title, and an inoffensive introduction. The story is as follows. Mary Conant, the daughter of one

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of the first settlers in Salem, or Naumkeak, is separated from her lover, a young Episcopalian, by his banishment from the territory, and departure for England. His death is reported soon after, and the shock occasioned by the information, and the severity of her father, who was of course bitterly opposed to the connexion, produces a temporary alienation of mind, during which she offers herself in marriage to Hobomok, a young Indian, who had long been devotedly attached to her. She is further influenced in this singular conduct, by a superstitious feeling, occasioned by a circumstance, which we have not space to detail. She recovers her health, and becomes the mother of an Indian boy. After the lapse of three years, her former lover reappears, Hobomok resigns his claim, flies from the country, and Mary is married to the Englishman.

There can be, we believe, but one opinion respecting this story; it is in very bad taste, to say the least, and leaves upon the mind a disagreeable impression. Still it should be remembered, in respect to its probability, that if our ancestors were more sternly virtuous, they were certainly without much of the delicacy and refinement of the present generation.

The characters in this novel, as well as in the one already noticed, are too numerous, and the interest is lessened by being divided among so many. But they are drawn, in most instances, with great discrimination, as well those which are borrowed from history, as those which are purely fictitious. The strange mixture of good sense, piety, fanaticism, and intolerance, which distinguished our puritan ancestors, varied in different individuals, by the different degrees of natural talent, or education, is displayed with great ingenuity and power. The death bed scenes of the Ladies, Mary Conant and Arabella Johnson, are described with feeling and pathos, and varied with considerable skill. We believe there are few American novels, from which we could present our readers with an extract more beautiful in its kind, than the following.

'Mrs Conant too was fast drooping, and there seemed but a hair's breadth between her and the grave. It was interesting to observe the contrast between the two invalids. One, always weak and gentle, bended to the blast, and seemed to ask support from everything around her. The other, struggling against decay, seemed rather to give assistance, than to require it. Their hus-

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bands watched over them, with the tender solicitude of a mother over her sickening infant. Mr Conant, stern as he was, felt that a sigh or a groan from the woman whom he had so long and sincerely loved, had power to stir up those deep recesses of feeling, which had for years been sealed within his soul; and Mary's heart was ready to burst with keen and protracted anguish, when she saw death standing with suspended dart, taking slow, but certain aim, at two endeared victims. But medicine, anxiety, and kindness, were alike unavailing; and soon they both retired to the same apartment, and laid themselves down on the beds from which they were never more to rise. Their feeble hold upon life daily grew more precarious, till at length nothing could tempt their anxious husbands from the pillow. Neither of them had spoken much for several days, when on the 24th of August the faint voice of Mrs Conant was heard, as she whispered,

'"Roger—My dear Roger."

'In a moment he was at her side.

'"What would you say, Mary?" asked he.

'"There are many things I would have spoken," she replied; "but I fear I have not strength wherewith to utter them. If Brown comes back, you must remember our own thwarted love, and deal kindly with Mary. She hath been a good child; and verily the God who had mercy on our unconverted souls, will not forsake her. Will you promise?"

'"I will," answered the old man, in an agitated voice. "Verily, my dear wife, your dying request shall be obeyed."

'"I would fain turn to the light," said she, "for I feel that my departure draweth nigh."

'Mary and her father gently raised her, and turned her toward the little window. She looked on her husband with the celestial smile of a dying saint, as she said,

'"I die happy in the Lord Jesus. Sometimes I would fain tarry longer for your sake; but the Lord's will be done."

'The agonized man pressed back the crowding tears, as he said,

'"If in the roughness of my nature, I have sometimes spoken too harshly, say that you forgive me."

'"I have nothing to forgive," she replied; "to me you have been uniformly kind."

'She reached out her hand to Mary—"For my sake," added she, "be as dutiful to your good father, as you have been to me."

'"I will—I will," answered Mary, as she, sobbing, hid her face in the bed clothes.

'She spoke no more for several hours. At length, Mr Conant, who remained close by her side, heard her whisper, in low and broken tones, "My dear husband." She attempted to extend her hand toward him, but the blindness of death was upon her, and it

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feebly sunk down by her side. As her husband placed it within his, she murmured, "I cannot see you, dear Roger. Kiss me before I die." He stooped down—and oh, how deeply painful was that last embrace. Mary likewise bent over her, and kissed her cold cheek.

'"My child—God—bless"—was heard from the lips of that dying mother; but the utterance was troubled and indistinct. Her breathings soon became shorter and more disturbed, and the last agonies seemed passing over her. No sound was heard in the room, till presently a short, quick gasp announced the soul's departure. Mr Conant placed his hand upon her heart—its pulse no longer throbbed. He held the taper before her mouth—no breath was there to move the steady flame. Mary uttered an involuntary shriek, and sunk upon her knees. There is nothing like the chamber of death to still the turbulence of passion, and overcome the loftiness of pride. What now was the shame of human weakness to that bereaved old man? He stood by the corpse of her, who for twenty years had lain in his bosom, and he heeded not that the big, bright tears fell fast upon the bed. Nothing now remained but the last, sad offices of friendship; and they were silently performed. Not a word was spoken by father or daughter. The sheet was carefully drawn over that pale face; and both bowed down their weary, aching heads upon the pillow, in still communion with their own souls.

'During this time, the Lady Arabella had sunk into a slumber so deep and tranquil, that she seemed almost like her departed companion. Mr Johnson remained with her hand clasped in his, half doubtful whether it was not indeed the sleep of death. Towards morning she awoke; and resting her eyes upon her husband, with a look of unutterable love, she feebly returned the pressure of his hand, as she said,

'"You are always near me, dear Isaac." After a thoughtful pause, she asked, "Is not the Lady Mary dead?"

'"She is," answered Mr Johnson.

'"Assuredly I so thought," continued she. "I dreamed that angels came for her, and she said they must wait for me. They are standing by her bedside now. Don't you see the light of their garments? Well, I shall soon be ready."

'"My God, my God," exclaimed the young husband, "would that the bitterness of this cup might pass from me."

'"But it may not pass," rejoined his wife calmly; "and you must drink it like a christian. Let your whole trust be on the Rock of Ages."

'"I could bear it all, Arabella," replied he, "had I not brought you into trials too mighty for your strength. But for my selfish love, you might now be living in ease and comfort."

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'"My dear Isaac, does this sound like a follower of the Lamb?" said she. "The time of my departure hath come, and what matters it whether it be in England or America? In the short space we have been allowed to sojourn together, I have enjoyed more than all my life beside; and let this remembrance comfort you when I am gone. Remember me most kindly to my good brother. May his earthly union be as happy and more permanent than mine."

'For a long time she seemed exhausted by the effort she had made. Then, taking the ring from her finger,

'"Give this to Mary," said she; "and when she looks thereon, bid her think to what all human enjoyment must come. I know you will always wear my miniature. It would have been a great comfort, had I been permitted to leave a living image of myself; but it hath pleased the Lord to order otherwise. Faint not in the enterprise whereunto our blessed Lord has called you; and remember we meet again in Jesus."

'The heart of her husband was too full to speak; and he could only kiss her emaciated hand in reply. She fixed her dying gaze upon him, and a faint smile hovered round her lips, shedding its unearthly light over her whole countenance, as she said, "I hear the angels singing. 'Tis time for me to go." Her look was still towards her husband, when her lids closed as if in peaceful slumber. All was hushed. The flickering lamp of life was extinguished.

'There, in that miserable room, lay the descendants of two noble houses. Both alike victims to what has always been the source of woman's greatest misery—love—deep and unwearied love. The Lady Mary had in her lifetime been so still and fair, that the smile on her placid countenance seemed but a mockery of death; and whoever looked upon the Lady Arabella, would have judged that thought was still busy beneath those closed eyelids.' pp. 134—138.

But the principal beauties in this work are to be found in the delineations of the Indian character. We have seldom met with more successful efforts in this way, than the descriptions of the characters and language of Hobomok and Corbitant. We are only sorry that the author's plan did not admit of their more frequent appearance. In the following extract they are represented together.

'At the moment Hobomok entered, he (Corbitant) was engaged in eager conversation with Sagamore John, concerning his connexion with the English, and scarcely was he seated, ere he exclaimed,

'"Shame on you, Hobomok! The wolf devours not its own; but Hobomok wears the war belt of Owanux,* and counts his

* Englishmen.

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beaver for the white man's squaw. Oh cursed Owanux! The buffalo will die of the bite of a wasp, and no warrior will pluck out his sting. Oh cursed Owanux! And yet Miantonimo buckles on their war belt, and Massasoit says, their pipe smokes well. Look to the east, where the sun rises among the Taratines; to the west, where he sets among the valiant Pequods; then look to the south, among the cowardly Narragansets, and the tribes of Massasoit, thick as the trees of his forests; then look far to the north, where the Great Spirit lifts his hatchet* high above the head of the Nipnet! And say, are not the red men like the stars in the sky, or the pebbles in the ocean? But a few sleeps more, let Owanux suck the blood of the Indian, and where will be the red man then? Look for yesterday's tide, for last year's blossoms, and the rainbow that has hid itself in the clouds! Look for the flame that has died away, for the ice that 's melted, and for the snow that lights on the waterfall! Among them you will find the children of the Great Spirit. Yes, they will soon be as an arrow that is lost in its flight, and as the song of a bird flown by."

'This was uttered with a smile of bitter irony, and in a tone so loud and fierce, that every eye was fixed on the speaker. Sagamore John laid down his pipe to listen; his squaw shook her head mournfully as he uttered his predictions; and his sons stood gazing upon Corbitant, till the fire flashed from their young eyes, and their knives were half drawn from the belt. Even Hobomok, whose loves and hates had become identified with the English, admired the eloquence of his enemy, and made a melancholy pause ere he answered, "Corbitant knows well that the arm of Hobomok is not weak, nor his cheek pale in time of battle; but if the quiver of the Narragansets be filled against the Yengees,† know you not, that they themselves will be trodden down, like snow, in the war path of the Pequods?"

'"That 's the song of the lame bird, to lead from its nest," replied Corbitant, sarcastically. "Would Hobomok weep, if the Pequod should lift his head to the clouds, and plant one foot among the Taratines, and the other far, far away among the Caddoques? Would he utter one groan, if the hatchet of Sassacus were buried deep in the brains of Pokanecket's child? No! and yet Hobomok asked that the child of Pokanecket might be his squaw; but his beaver skins were not brought, and she cooked the deer for Ninigret's son.‡ Hobomok saves his tears for the white

* The constellation of the northern bear.

† The Indian term for English; from which *Yankee* is probably derived.

‡ In an Indian courtship the young man makes a present of beaver skins, and the intended bride returns venison of her own cooking.

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faced daughter of Conant, and his blood for the arrow of Corbitant, that his kinswoman may be avenged."

'Hobomok lifted his tomahawk in wrath, as his adversary uttered these insulting words. "Who dares speak of groans and tears," said he, "to him whose heart has been calm in the fight, and whose eye winked not at the glancing of arrows?"

'Corbitant answered by a scornful laugh, and the hatchet would have descended on his head, had not Sagamore John stept between them, as he said, "Listen to the words of an ancient chief. The Great Spirit loves not the sacrifice of young blood, when it is shed in quarrel. Smoke the pipe of peace, my children; and I will tell you of days that are gone by, when the war whoop of John was heard the loudest among his tribe, and his arrow brought down the deer at her swiftest speed."

'To have refused to listen to the stories of an old man, would have been contrary to all rules of Indian decorum; but before the fierce, young spirits composed themselves to respectful silence, a challenge of proud looks was exchanged, as Corbitant muttered, "When the big sea bird up yonder, go back to their great land chief, king Charles, the white squaw's father, say Indian arrow be broken at Naumkeak. Let him look to't that the wolf be not near his wigwam."

'Hours passed away while the young sons sat devouring the words of their father, and even his guests seemed to have forgotten their own hatred, in the eager reverence, with which they listened to him. His squaw, in the meantime, had taken her coarse, roasted cakes from the fire, and placed some cold venison before her visiters, and pointed to it with a look of pride, as she said, "The arm of my sanup is old, but you see his arrow is yet swifter than the foot of the deer. May his sons bring him food in his old age."' pp. 38—41.

We shall make one more quotation. It describes the meeting of Hobomok and Mary's former lover.

'While conversation of this nature was going on at home, Hobomok was pursuing his way through the woods, whistling and singing as he went, in the joyfulness of his heart. He had proceeded near half a mile in this way, when he espied an eagle, soaring with a flight so lofty, that he seemed almost like a speck in the blue abyss above. The Indian fixed his keen eye upon him, and as he gradually lowered his flight, he made ready his arrow, and a moment after the noble bird lay fluttering at his feet.

'"A true aim that, Hobomok," said a voice, which sounded familiar to his ears. He raised his head to see from whence it proceeded. Charles Brown stood by his side! The countenance

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of the savage assumed at once the terrible, ashen hue of Indian paleness. His wounded victim was left untouched, and he hastily retreated into the thicket, casting back a fearful glance on what he supposed to be the ghost of his rival. Brown attempted to follow; but the farther he advanced, the farther the Indian retreated, his face growing paler and paler, and his knees trembling against each other in excessive terror.

'"Hobomok," said the intruder, "I am a man like yourself. I suppose three years agone you heard I was dead, but it has pleased the Lord to spare me in captivity until this time, and to lead me once more to New England. The vessel which brought me hither, lieth down a mile below, but I chose the rather to be put on shore, being impatient to inquire concerning the friends I left behind. You used to be my good friend, Hobomok, and many a piece of service have you done for me. I beseech you feel of my hand, that you may know I am flesh and blood even as yourself."

'After repeated assurances, the Indian timidly approached—and the certainty that Brown was indeed alive, was more dreadful to him, than all the ghosts that could have been summoned from another world.

'"You look as if you were sorry your old friend had returned," said the Englishman; "but do speak and tell me one thing—Is Mary Conant yet alive?"

'Hobomok fixed his eyes upon him with such a strange mixture of sorrow and fierceness, that Brown laid his hand upon his rifle, half fearful his intentions were evil. At length, the Indian answered with deliberate emphasis,

'"She is both alive and well."

'"I thank God," rejoined his rival. "I need not ask whether she is married?"

'The savage looked earnestly and mournfully upon him, and sighed deeply, as he said,

'"The handsome English bird hath for three years lain in my bosom; and her milk hath nourished the son of Hobomok."

'The Englishman cast a glance of mingled doubt and despair towards the Indian, who again repeated the distressing truth. Disappointed love, a sense of degradation, perhaps something of resentment, were all mingled in a dreadful chaos of agony, within the mind of the unfortunate young man; and at that moment it was difficult to tell to which of the two, anguish had presented her most unmingled cup. The Indian gazed upon his rival, as he stood leaning his aching head against a tree; and once and again he indulged in the design of taking his life.

'"No," thought he. "She was first his. Mary loves him better than she does me; for even now she prays for him in her sleep. The sacrifice must be made to her."

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'For a long time, however, it seemed doubtful whether he could collect sufficient fortitude to fulfil his resolution. The remembrance of the smiling wife and the little prattling boy, whom he had that morning left, came too vividly before him. It recks not now what was the mighty struggle in the mind of that dark man. He arose and touched Brown's arm, as he said,

'"'Tis all true which I have told you. It is three snows since the bird came to my nest; and the Great Spirit only knows how much I have loved her. Good and kind she has been; but the heart of Mary is not with the Indian. In her sleep she talks with the Great Spirit, and the name of the white man is on her lips. Hobomok will go far off among some of the red men in the west. They will dig him a grave, and Mary may sing the marriage song in the wigwam of the Englishman."

'"No," answered his astonished companion. "She is your wife. Keep her, and cherish her with tenderness. A moment ago, I expected your arrow would rid me of the life, which has now become a burden. I will be as generous as you have been. I will return from whence I came, and bear my sorrows as I may. Let Mary never know that I am alive. Love her, and be happy."

'"The purpose of an Indian is seldom changed," replied Hobomok. "My tracks will soon be seen far beyond the back bone of the Great Spirit. For Mary's sake I have borne the hatred of the Yengees, the scorn of my tribe, and the insults of my enemy. And now, I will be buried among strangers, and none shall black their faces for the unknown chief. When the light sinks behind the hills, see that Corbitant be not near my wigwam; for that hawk has often been flying round my nest. Be kind to my boy." His voice choked, and the tears fell bright and fast. He hastily wiped them away as he added, "You have seen the first and last tears that Hobomok will ever shed. Ask Mary to pray for me—that when I die, I may go to the Englishman's God, where I may hunt beaver with little Hobomok, and count my beavers for Mary."

'Before Brown had time to reply, he plunged into the thicket and disappeared.' pp. 172—175.

The tone of the work is generally sombre, and accords well with our associations with the early history of New England, and the days of sickness, sorrow, privation, and religious austerity. We never read the records of those times without a sensation of melancholy and pity, mingled with respect and national pride, and the author of Hobomok seems to feel and inspire a similar sensation.

We think this book has suffered much from the general prejudice against the catastrophe of the story, and that its

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animated descriptions of scenes and persons, its agreeable style, and the acquaintance with the history and spirit of the times which it evinces, have not received the credit due to them. But we doubt not, that it will one day be regarded with greater favor, and that it is by no means of the same ephemeral class, with some others of our American novels. It will stand the test of repeated readings, and it will obtain them.

A Peep at the Pilgrims.—The period, in which the events of this tale are supposed to have happened, is six or seven years later than that of Hobomok. The scene during great part of the work is in Plymouth, at that time comparatively an old settlement. The hero of the story, Major Atherton, arrives at this place in search of adventures; falls in love with a daughter of the land; follows her to the new plantation on the Connecticut river; is taken prisoner in attempting to rescue her from the savages, who had kidnapped her; is himself rescued from the stake at the last moment; and marries the lady, who has in the meantime been ransomed. The two volumes are also replete with episodical matter of various interest.

The same faults exist in this, which we have already noticed in the preceding novels. The characters are too numerous, and the story is spread over too great a space; a good deal of the work is a mere compilation from the chronicles of the time, slightly connected with the fictitious narrative, and these parts are sometimes the most interesting. The accounts indeed of these matters are well written, but may be found equally so elsewhere. We can read Neal, and Morton, and Winslow for ourselves, and we expect the novelist to begin only where the historian stops. Something, it is true, is done in the way of filling up the outlines of history, and sometimes tolerably well done, as for instance the characters of Standish, Ashly, and White, though the description of the last approaches rather too nearly to caricature. Our English periodical brethren, we suppose, would call him the *bore* of the novel.

The dialogue is occasionally spirited, but we could not avoid feeling now and then, that the author was laboring to make his personages smart. The art is not always concealed. But the greatest merit of this work consists in what we

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should call its topographical execution. The writer observes and describes inanimate objects much better than peculiarities of character, and this confirms what we have before said on this subject. The book owes much more of its interest to historical details, and descriptions of natural and real objects, than to the author's power of invention, or discrimination of character. We can therefore approve, and find a good deal to praise in the work, without believing that it affords much promise of the future excellence of the writer, and cannot encourage him to write on, unless he is likely to be satisfied with the praise of mediocrity.

We can afford space for one short extract only. It describes the first appearance of Plymouth to Atherton.

'They seemed approaching a wilderness; for already the forests were enveloped in darkness, and the gigantic hills invested with the shadows of twilight. Presently a dim speck appeared on the horizon;—it was the little village of Plymouth, the most ancient of the settlements, fast rising into importance, and far famed for the success and enterprise of its inhabitants.

'The stranger experienced a momentary disappointment, as he rapidly surveyed the limited dimensions, and rude architecture of that new "city of refuge." His fancy had sketched scenes of Arcadian loveliness, and colored the picture, which it drew, with the fairy tints of romance; but he only saw, rising from the rocky and sea girt shore, the humble roofs of the Pilgrims, clustered together in two compact lines, and thinly shaded by native trees; each tenement encircled by a patch of vegetation, then wearing the seared and fading hues of autumn. The English colors waved gaily from the battlements of a square fort, which crowned the summit of the commanding eminence, and its flat roof was paced by several persons, who watched with curiosity the approaching vessel.'

The author's style is generally correct and unpretending, and he rarely attempts in his own person to be very fine. The typographical execution is much more beautiful, than is common in works of this sort.

The Witch of New England.—This novel belongs to a period about fifty years later than the last. The scene of course is laid in New England, but in what part, we are at a loss to imagine; possibly somewhere in Connecticut. The principal character in the story is an old woman, who pretends to witchcraft, commits certain horrid crimes, and is

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executed accordingly. The other characters are few, and the time occupied is short. It is therefore free from the faults, which we have charged upon the two last. The author has not meddled much with history, except in his introduction, and the interweaving with his narrative a number of facts, which he has collected and used without ceremony, borrowing occasionally the very language of the works, from which his selections are made, especially in two or three stories from the American Preceptor. He seems to have read over some common works on the early history of New England, with a view to the production of this novel, but in a manner hasty and inaccurate to a surprising degree. We could easily trace his progress through several of these, and were amazed, that, after having read them, he should still remain so ignorant of the early history of the country. His introduction is taken from Belknap's Life of Carver, from which he borrows whole sentences, and yet he informs us, that the 31st of December was the day on which the Pilgrims landed at Plymouth, and that it has ever since been celebrated as a festival. The 31st indeed, which, by the difference of style, answers to our 11th of January, is mentioned by Belknap as the day, when the settlers first attended divine worship on shore, and probably this was the origin of the mistake. We acquit the natives of New England, however, of this novel, for what Yankee has not heard of the '22nd?' He introduces us to the house of a clergyman, 'a large *stone* dwelling,' the burial ground with 'its rectangular tombs of *blue and white marble*,' the 'plain *brick* church,' and above all the '*Presbyterian* minister.' This is a strange combination for New England, in 1690, or indeed at any time. Again, Uncas, the Indian chieftain, who, by the way, was a mighty warrior more than half a century before, is made to speak of the time when he roamed like the meteor over the *prairie*. In the fourth chapter, the son of the clergyman abovementioned reads to his father and family a long *dramatic* fragment, of his own composition, of which one of the characters is a *Friar*, quotes Shakspeare, and hints at the Arabian Nights, and Salvator Rosa; and to all this the father, who is represented as a strenuous Puritan, makes no objection. This chapter was altogether too much for our gravity. The son of a New England clergyman, in 1690, writing plays, and producing

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these 'parings of the Devil's hoof,' for the entertainment of his father! He might as well have represented the clergyman himself as a reviewer of novels.

Ridiculous, however, as this book assuredly is, in regard to its historical qualifications, it is not without merit of a certain kind. Parts of it are well written, and some descriptions of scenery, and some touches of character, are so tolerable, that we are unwilling to condemn it altogether. It seems to us, that the author proposed to frame a tale, in which the Witch and her associate should be subordinate characters, that he was unable to complete his plan, and that his end does not fulfil the promise of his beginning. He introduces the regicide Whally, but does nothing with him, except to kill him in defiance of physiology, representing him as being found dead, with his body erect, intent on his book, and looking as if he were alive, a combination of circumstances, which implies an economy of muscular exertion, and consequently of patience, that to those of us, who are called on to review novels by the quantity, is far more desirable than possible. Finally, as if determined that none of his reading should be in vain, he introduces a Quaker on one occasion, for no earthly purpose, that we can imagine, except to give him an opportunity of putting into the mouth of an opponent of heterodoxy, a speech, borrowed *verbatim et literatim* from the Simple Cobler of Agawam, and that without the least hint to the reader, that it is not his own composition.

Saratoga.—We are now brought back again to the revolution. The heroine of this story is the daughter of an English officer, resident in America, who takes arms against the Colonies. He is among the sufferers by the disasters of Burgoyne's army; is placed *hors du combat* by the capitulation at Saratoga, and returns to his former residence in Pennsylvania. His daughter suffers a metaphorical wound, while her father is confined with a real one. She becomes enamored of a gallant rebel colonel, and in process of time is married to him. This is the main story, but there are many underplots, which we have not room to analyse.

In some respects this novel would seem to belong rather to the old *regime*. The hero is a piece of perfection; there are mysteries and complications, a mistress in the wood, a muffled stranger, and a final satisfactory explanation. The

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writer leans but little upon history, and introduces few real personages. We have the Lady Harriet Ackland, and the life of General Frazer of course; 'he could not miss't,' as Antonio says, but in the main the story is fictitious.

We find here the fault so often noticed, the crowding of persons and plots, and the last exceedingly complicated. Still we should call it a respectable novel. The characters, when they are intended to be mortals, are pretty well delineated, and there is rather a larger proportion of well supported dialogue, than is usual in these second rate works. On the other hand, it may be observed, that there is a good deal of dull conversation, which might have been omitted, or abridged to great advantage. The character of the Irish captain is the best in the book, and though often in excess, it is on the whole well executed. The Irish, by the way, seem to be made on purpose for novels. They are born with a character, and talk poetry by nature. We have only to observe further, that this book does not appear to have received from the public, the notice that others have enjoyed, which, if equal, are certainly not superior to it. Our limits will not allow us to make a long extract, and we are unable to find a short one, which we think would be a fair specimen of its general merit.

Adsonville.—This tale belongs to no particular period. The scene is near the Western Lakes, and on the banks of the Hudson. The principal personage is a kind of wet Quaker, who *marries out* of the society, after various delays, arising from opposition of parents and the like. We needed not the intimation in the preface, that it was a juvenile effort, since nothing can be more evident. The preface is composed with much humility and deprecation of criticism. But if no hope of success, beyond a circle of friends, was entertained, why publish at all? The style is very bad, and the expressions and phrases often uncouth, vulgar, and silly, and the incidents and *dénouement* hackneyed. It is further remarkable for the coarseness of its mechanical execution.

A Winter in Washington.—These volumes purport to contain a story of our own time, and our own metropolis. The author has chosen the most difficult of all subjects, that of describing and rendering picturesque, things that are common. The events of the story, so far as we know, are en-

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tirely fictitious, though one or two real characters are introduced by name. In attempting a task so difficult, a failure was perhaps to be anticipated. We are sorry to say, that to us the book was heavy reading, and we are not sure, that any thing short of a reviewer's conscience would have carried us resolutely to the end.

Tales of an American Landlord.—This, like the last, is a tale of fiction. It has two plots, of which we know not which is the principal. The hero of one is a spendthrift English Honorable, who chooses to have the Atlantic between him and his creditors, as many a man has done both before and since. He engages the affections of a young lady, under an assumed name and character; is checked in his career by the 'curb of old father antic the law;' meets with his brother the real lord; repents, reforms, and marries the lady. In the other plot, the sister of the lady, already mentioned, gives her heart to another incognito, who turns out to be a young man to whom she had been contracted by their parents. There are many other characters and by-plays besides the main action. The time is fixed during the revolutionary war, but it is only in one chapter, we believe, that any reference is made to it, and the only historical person introduced is Lafayette, and he but briefly.

The grand defect in this novel is similar to that, which we noticed in the Refugee, a laborious imitation of the manner of the author of Waverley. The effort is so constantly evident, as almost completely to obscure the merit, which really belongs to the writer. He makes us think too often of himself, whereas his first object should be to make his readers forget him, or what is more to the purpose, he should forget himself in his characters. Moreover, it is too much loaded with quotations; and the delineation of characters might be more highly applauded, if it were more original; but the sin of imitation is here also. Hence many of his pictures have only the merit of copies. We might be pleased with them, if we did not possess the original.

This work is clearly intended to produce a certain moral and religious effect, and we give the writer credit for his intentions, which we sincerely believe to be praiseworthy; that is to say, we believe, that he proposed to do something towards effecting an object, which he deems good and useful.

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His motives, therefore, must command respect, but we differ from him altogether, both with regard to the end, the means, and the conduct of them. Of the end proposed, namely, the advancement of certain religious views, it would be out of place to say anything here, except that we disagree with the writer respecting their advantage or necessity. We object to the means of advancing these by novel writing, not as faulty, but as inefficacious. We do not believe, that anything can be done for controverted points by fictitious narratives. The question is, whether certain religious views produce particular good effects upon the temper and character of men? Do they make them good, useful, and happy, more than other views, which are held with equal sincerity? The novelist may assert the affirmative in one word, or in two volumes, it is still nothing but an assertion. Lastly, as to the conduct of the means, or the execution of the novel, we object to it, because it tends, as far as it has any effect, to engage our sympathies in favor of the dissipated spendthrift already alluded to, and to weaken the persuasion, which of all others most needs encouragement, of the eternal connexion between vice and misery.

The two works remaining on our list, have no other claim to be classed among American novels, than that of having been first published in America. The former we conclude, from certain modes of expression, to be the work of a native of Ireland, or at least of one in the first generation of Irish descent. The latter seems to be the production of a Scotchman. The first is entitled

O'Halloran, &c.—The scene of action in this tale is the north of Ireland. The hero, Edward Barrymore, a young man of noble family, and loyal principles, takes a ramble for pleasure to the Giant's Causeway, and the scenes in the neighborhood; meets with O'Halloran, a leading United Irishman, and his granddaughter Ellen; falls in love with Ellen; refuses to connect himself with O'Halloran's political intrigues; is seized and confined by the united leaders; escapes and returns to the south. Soon afterwards, the insurrection of 1798 breaks out, of which some of the events are detailed. On the defeat and surrender of the insurgents, O'Halloran, who, as one of the chiefs, is excluded from the benefit of the amnesty, endeavors to escape to America, is

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finally taken, and condemned, but saved from execution by the influence of Edward, who in the sequel marries Ellen.

The descriptions of the proceedings of the insurgents, while in arms, are graphic and interesting. We read this part of the book with pleasure, and this is all we can say in praise of it. The remainder is indifferent. The characters of O'Halloran, Ellen, and Edward, the proceedings of the latter in obtaining the pardon of the former, and several other circumstances in the conduct of the tale, are imitated from similar circumstances in Waverley. Peg Dornan is Meg Merrilies diluted. The author thus compels us continually to draw comparisons, which must necessarily be unfavorable to him. The story is spun out long after the proper catastrophe. It should have been closed as briefly as possible, after the pardon of O'Halloran, who, after all, is the principal person. The episode of Sir Geoffrey Carebrow, a brutal wretch, who carries off the heroine, that she may be rescued by Edward, and who afterwards bequeaths her his fortune, is badly managed, and in some instances disgusting. There is also an occasional grossness of allusion, which is offensive. The grave dialogue is dull. The speakers talk too long, and too much in set terms. The subject and materials of this novel are excellent; its defects are in the execution.

Goslington Shadow.—We take up this book with feelings analogous to those of the philosopher, when he exclaimed, on an occasion not very dissimilar, 'Courage, my friends, I see land.' The scene of Goslington Shadow is laid in Scotland; the time being about five or six years since. The title of the novel, or, as the author prefers calling it, the *romance*, is also the name of the hero, who is the son of a Scotch farmer. Goslington is sent to the university against the inclination of his father; goes through the usual routine of education; is introduced to the acquaintance and favor of Lord Ringsdale, and falls in love with his daughter. Matthew Shadow, the father, acquires a large fortune by the death of a relation, and is discovered to be the rightful heir to the title and estates of Ringsdale. The work concludes with the marriages of Goslington with Lady Rosa Ringsdale, and of his sister Peggy with a young American, who turns out to be of Scotch lineage. Such is the most complete abstract of the story, which our limits will permit. The truth

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is, that the book is rambling and discursive in the extreme. The author introduces a great variety of characters, and strings their adventures together, without seeming to care much about the manner of their connexion. Of course the interest of the story is nearly lost. Some of the characters are extremely well done, especially that of Matthew Shadow; others are crude and faulty. The dialogue on some occasions is excellent, and then it becomes feeble or tedious. We shall best illustrate our views of this performance, by comparing it with some other well known work. Such a one occurs to us in Sir Andrew Wylie, by the author of Annals of the Parish. Goslington Shadow resembles this in many particulars, and is nearly on a par with it in point of merit. The constant use of the Scotch dialect, and the evident intimacy of the author with Scotch manners and customs, so far as we can judge from the perusal of the modern secondary Scotch novels, show that he is either a native of Scotland, or a person who has resided at some time, and for a considerable period, in that country. Perhaps we were disposed to give the dialogue quite as much credit as it deserved, from the circumstances of its being carried on in a dialect, which, as we have already observed, has of itself a strong hold on our agreeable associations.

We have one remark to make, which applies to all these novels. They are uniformly deficient in taste and skill in the selection of mottos for their chapters. These scraps form an important part of a novel, and require more attention and knowledge, than the authors of most of them seem to be aware. The mottos of those, which we have now noticed, are far too frequently either hackneyed, pointless, or without sufficient bearing on the subject of the chapter. There is sometimes an affectation of quoting from the *Old Play*, to which, however, we are certain, that for anything which as yet has appeared, no one has ever had access, but the author of Waverley.

We have thus concluded a task, which the public may possibly think has been performed too leniently, whilst the authors and authoresses will doubtless agree in this, if in nothing else, that we have been economical of praise, lavish of censure, totally deficient in discrimination, and probably in taste and judgment. But we live not in their report. We have endeavored to show in our remarks, that, with some excep-

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tions, we do not attach high merit to these books, while we have been anxious to avoid those sweeping and sneering denunciations, which are neither valuable nor difficult, though unfortunately they are apt to obtain more credit than they deserve, with those who measure the weight of criticism by its flippancy, or its bitterness. We have uttered our thoughts, and desire them not to pass for more than they are worth. As to the future literary projects and doings of the writers, who have now passed under our notice, we take it not upon us to exhort or advise. While they keep within the bounds of good morals and decorum, let them write on, if they feel moved to this exercise, and are willing to run the risk of laboring sometimes in vain. Those persons, who waste their time in reading poor novels, or, if our readers please, any novels, would probably waste it in some other way not more innocent, if novels were not to be had. If cards and the theatre languish in this age of novel reading, the public morals are not likely to suffer by this change of amusement, and, in short, a man may as well employ himself in writing, or reading a novel, as in cutting a diamond into an indifferent figure, or wearing it after it is done.

ART. V.—*A Dissertation on the Nature and Extent of the Jurisdiction of the Courts of the United States, being a Valedictory Address, delivered to the Students of the Law Academy, at Philadelphia, at the Close of the Academical Year, on the 22nd of April* 1824. By PETER S. DU PONCEAU, Provost of the Academy. *To which are added a Brief Sketch of the National Judiciary Powers Exercised in the United States, prior to the Adoption of the present Federal Constitution.* By THOMAS SARGEANT, Esq. Vice Provost. *And the Author's Discourse on Legal Education, delivered at the Opening of the Law Academy, in February* 1821. *With an Appendix and Notes.* 8vo. pp. 254. Philadelphia, Abraham Small, 1824.

IT is a remarkable circumstance, that, from the earliest antiquity of the law, at least after it began to assume the form

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of a science, there have been two schools of construction, the one contending for a literal adherence to the text, and the other supporting a more liberal principle of interpretation, and allowing greater latitude to the spirit of an enlightened juridical philosophy. This division among the professors of the Roman law, of which we have an agreeable history by Heineccius, commenced under the administration of Augustus, and continued until the reign of good Aurelius; the students of law generally arranging themselves as disciples of one sect or the other, although it was some time before they assumed the permanent appellations, by which they were afterwards distinguished, of Proculeians, and Sabinians, or Cassians. The lawyers of the latter reign, according to Claude Ferrière, translated by the learned Dr Cooper, 'affected neither party in particular, for at different times they dispassionately approved the opinions of either sect, as they judged them more or less agreeable to justice and right reason, and they generally endeavored, by an equal temperature, to avoid the absurdities into which both parties, by reason of their great dislike and opposition to each other, had frequently fallen.' The division may be deemed to have died away during the dark ages, when the books of the law were lost, like those of Livy. The subject was revived, and this question made a conspicuous figure in the discussion of the Code Napoleon; and, singular as it may seem to those, who are familiar with the sturdy spirit of the old common law, something of this difference has actually crossed the channel into England; although, as Mr Butler observes, 'the good sense of English lawyers has prevented them from forming into sects.' There is, however, one instructive and nvaluable reading, on a subject of this kind, to which we are referred among the relics of the philosophical mind of Burke, in a report of his on the trial of Warren Hastings, namely, 'whether in cases for which neither the written nor unwritten law of a nation had provided, courts of law might make a provision for it, by conforming existing laws and principles to it, or by subtracting from their operation?' But this is going a length, to which we have no inclination to be enlisted. And we are moreover aware, that the topic, on which Mr Du Ponceau is engaged, is one about which the public, or at least that portion of it, which enters into the spirit of such

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subjects, and concerns itself the most with the genius of the system, is somewhat at a stand; and we believe there are some of the fairest, and most intelligent minds in the country, that have not been quite able to come to a satisfactory conclusion.

We are not left in the dark to trace the origin of our jurisprudence. In seeking to find it by the light of history, we are naturally led back to the municipal institutions of our mother country. These are the *gentis incunabula nostræ.* It has always been considered the privilege of colonies to carry with them the laws of the mother country, from the time of Thucydides, to the time of Sir Walter Raleigh; and it is delightful to reflect, that our principles of colonisation, in this respect, were actually drawn from the undefiled fountains of Grecian Jurisprudence, in their present state, as they were exhibited and illustrated in those beautiful images of Greece herself, which successively arose among her offspring in the Archipelago, and were reflected on the coasts of Asia Minor and Græcia Magna. It is rather an interesting coincidence, that the publication of the great work of Grotius, in which these principles were unfolded, was nearly coeval with the colonisation of this country; and we consider it quite plain, that the English establishments on this continent were formed more after the model of the Grecian, than the Roman colonies, though it was equally a fact, that the laws of Rome extended with her empire.

The points of difference, it does not fall within our present province to define, nor to defend the analogy to which we allude. Upon the soundest principles of public jurisprudence, the colonists considered the law of England as their patrimony. They claimed the common law as their birthright. The same rule of common sense prevailed in regard to this subject, on both sides of the Atlantic; and the doctrine was recognised in Westminster Hall as it was held here, that the common law of England extended to these colonies, precisely so far as it related to their circumstances. It is perfectly evident, however, that the original constitution of England did not contemplate the extension of its internal jurisprudence to such exterior establishments, as they could not have been foreseen to form component parts of the empire. This was a case, that arose unexpectedly out of

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the appropriation of this newly discovered country among the powers of Europe; and the jurists of England adjusted the question, as well as they could, according to the general analogies of their own system.

The regulations adopted for the government of these newly acquired territories were, therefore, in the first instance, the precipitate result of so much speculative sagacity as fell, for instance, to the portion of that second Solomon, king James the First; who, in his childish exultation over his precious carcanet of colonial rubies, *onyx cum prole*, entertained a design of consummating their earthly felicity, by a complete codification of his own wise making. The consequences of this simple folly might, however, have been overruled, so as to be rendered less pernicious, than the evil starred projects, and mysteriously guided counsels, of his immediate descendants. By their frames of government, the colonies were forbidden to exercise the powers of legislation, in any manner repugnant to the laws of England. That they should be obliged to avoid all acts in derogation of that sovereignty, upon which they reclined for protection during their infant period, was a perfectly suitable provision; but that it should have any bearing in matters of a merely municipal nature, having no relation to their dependence, nor connexion with the internal police of Great Britain, nor affecting the interest of the empire, any further than it concerned their own domestic economy and improvement, was at least an absurd and impracticable piece of supererogation. For the mother country to pretend to interfere in these concerns, for the sake of promoting her own exclusive interest and aggrandisement, was unquestionably oppressive and intolerable. The true principle and spirit of this political restriction undoubtedly were, to prevent the passing of any laws inconsistent with the interest, or incompatible with the integrity of the whole empire, of which they constituted part; and it was analogous to the policy of the present constitution of the United States, by which the independent states are deprived of the power of passing any acts, repugnant to its provisions or its spirit. The colonies, therefore, justly considered it in no wise repugnant to their obligations or allegiance, and as no more a violation of the laws of England, than an infraction of their own char-

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ters, to adopt all such regulations of a merely municipal nature, as they might find useful or expedient for themselves, and suitable to their condition.

It may be the more material to keep these circumstances in view, inasmuch as the common law not composing a specific text, it is to be traced in considerations of a general political and civil nature, at least in regard to ourselves, with as much propriety as it is to be sought in the more authentic records, which it acknowledges, of judicial precedents, and juridical commentaries. Furthermore, it is interesting, that on this circumstance, namely, that it did not constitute a regular, definite, and elaborate code, connected with its contiguous causes, we are to account for, and explain the most singular phenomenon, the *neque idem manebat, neque idem decedebat*, of American common law. This circumstance itself has been seized, with a prodigious avidity, to prove the incoherence of any hypothesis whatever of common law for the country. It is therefore useful, in this point of view, to advert to the causes of that deflection, which the common law underwent in this country, as well as to account for the various casts, which it assumed among the different colonies. It is rather desirable, in this respect, to redeem the common law from the reproach attached to it from these causes, as being either a very inconsistent or indifferent species of jurisprudence. Our worthy forefathers have enjoyed quite as much credit, as they fairly deserved, for the amusing casuistry, with which they have been accused of construing their charters, and the legerdemain with which they were suspected of changing their tenures. In this respect they did but practise, in any way, upon the genuine spirit of the common law itself, which is not, after all, quite so crabbed, as some of its adversaries are pleased to suppose; but is a more flexible and apt species of jurisprudence, containing an internal principle of reformation within itself, and accommodating itself with equal facility to the advances of science and the changes of society.

The character of the common law, in this respect, richly justifies all the remarks, which are made by Mr Du Ponceau, in different parts of his work, and especially the well considered eulogium of the late Mr Justice Wilson, in his charge

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on the trial of Henfield and Singleterry, extracted by Mr Du Ponceau in his preface. Our own opinion on this point, indeed, is sufficiently indicated in our last number but one, in the occasion we had to comment upon an interesting and important branch of maritime law. Concerning the fictions, that were invented by the colonial lawyers, to sanction or systematise these just and necessary inflections of its rules, to the uses and circumstances of the times and their own peculiar situation, according to their narrow notions and technical conceptions of the common law, they were, without doubt, sufficiently ingenious and absurd; but they only serve to show the fashion of juridical thinking at that day, and the vague fancy for something like codification, which possesses the spirit of some part of the profession, and from which our most barbarous old common lawyers were not entirely free.

As the colonies were settled at different intervals, *diversis manipulis*, and the common law was in the meantime undergoing considerable mutations from acts of parliament, and modifications from judicial decisions, in cases of more or less novelty in England, they consequently received the common law at various successive stages of improvement. Actual diversities, without any doubt, resulted from legislative provisions, as well as judicial determinations, in the different colonies themselves. But as they mainly grew out of the different circumstances in which they were situated, and the peculiar interests of their separate sections; as they were not incompatible with the general welfare of the whole; and as the colonies constituted altogether one great community, there was nothing in these minute variations, to demonstrate any actual departure from the proper principles of the common law, or to establish absolute dissonance in the character of the system, in respect to which they were, in truth, to be regarded as being in the spirit of the most perfect harmony. As the colonists were collected together under circumstances, essentially different from the condition of their fellow subjects in Great Britain, having mutual interests, accompanied by a perfect intercommunity of social rights, and sustaining the same general system of civil relations, there was a general affinity pervading all their colonial institutions, which had an original basis in the proper principles of the common law.

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These circumstances, therefore, afford no more ground for any conclusion, detracting from the existence of a common law among the colonies, than there is to be drawn from the various customs in England, or the privileges of the counties palatine, against the general power and authority of the common law there. Or they may be compared, perhaps, more aptly, to the great variety of *coutumes* existing in France, which it was the favorite object of her most illustrious sovereigns, and enlightened jurists, particularly the Chancellor D'Aguesseau, to condense into one uniform system of jurisprudence. The civil law was nevertheless the basis of all these varieties; it is, indeed, as Mr Du Ponceau denominates it, the *jus commune*, or the common law of Europe, the general foundation of the continental systems of jurisprudence. There is another circumstance, which ought not, perhaps, to be entirely omitted, although it may not amount to much in the aggregate; namely, that some of the thirteen colonies were of foreign extraction, and acquired by conquest or cession. These would properly be entitled to preserve their original institutions, until their population became so intermingled with the new inhabitants, that it could no longer be distinguished, and their particular customs became gradually merged in the prevailing law of the land. In fact, there were none of the colonies, in which all traces of foreign jurisprudence were more perfectly obliterated, and the features of the common law more distinctly impressed, than in those middle states, which were formerly in this condition. Indeed, if any difficulty of this kind could have arisen, in regard to this question, it would have been after the conquest of Canada, and its incorporation into our colonial system, where, by the terms of the cession, the French law, founded on the civil, still prevails, and holds, at least, a divided empire with the English common law. Such a case actually exists in Louisiana, where the civil and common law unite, like the waters of the Missouri and the Mississippi, which flow through it.

We are fully persuaded, that this question, which engages Mr Du Ponceau, cannot be thoroughly investigated, and the true body of American common law effectually disinterred, without going back beyond the origin of the constitution, and

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digging somewhat deeply into the grounds of our colonial jurisprudence. The period before the Revolution may well be denominated the Antejustinianean era, and in the principles of our colonial polity, we may discover the seeds of our present system. There we may discern the germs of our present establishments, and the stamina of all our civil institutions. There may be some complexity in the principles, and some difficulty in pursuing the details of this inquiry, but ample causes exist for supporting the conclusion, that, though divided into different forms, and distinguished by a variety of particulars, relating to their local interests and usages, in respect to the franchises enjoyed under their charters, and the privileges parcelled out by the proprietors, or those more immediately derived from the prerogative, yet they appear to have constituted, in many material respects, one common system of *colonial polity*. And we are happy to avail ourselves of the opportunity, presented by Mr Sergeant's discussion, in its nature a preliminary one, of doing something towards completing the sketch he has given of the state of the judiciary powers in this country, at a period prior to the adoption of the constitution.

Among the reasons for entertaining such a supposition, we may advert to the following circumstances, namely, that all the lands were held originally under grants from the crown, which claimed the whole country by virtue of discovery and right of occupation; that the colonists were all fellow subjects, owing a common allegiance to the king, and claiming a common protection from the crown of Great Britain; the diversities in their condition springing from their charters, and kept up by their forms of government, resulted, also, from the acts of the crown, while at the same time their local differences were adjusted, and their mutual relations harmonised, by the general superintending authority of the empire. The most embarrassing part of the inquiry relates to the power of parliament; principally because questions were raised, in the course of political disputes, of a practical character, which admitted of no umpire, and which could only be settled at the point of the sword. From jealous apprehension of the designs of the English Commons, to make arbitrary assessments upon their property, the colonists were inclined to put themselves entirely under the protection of

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the king, and finding that he entered equally deep into the combination against their rights, they came to the conclusion of rejecting the power of parliament altogether. How parliament ever came by the power, that it actually exercised so long without much question or offence, is foreign from the present inquiry, any further than to remark, that it was one of those jewels of the crown, which were wrested with the diadem from the brow of Charles the First, and that the celebrated Navigation Act, which was so long considered as essential to England in peace, as the rule of 1756 was in war, was the earnest of this assumption, and long remained the surviving monument of the usurpation.

But whatever the origin of this authority may have been, an inquiry, which finally ceases, like many others, to be of any practical importance, this is certain, that such a power was not only, for a long period, exercised by parliament with impunity, as it respected the external condition of the colonies as parts of the empire, but its authority was also acknowledged to extend by common consent, in general acquiescence, in several instances, so far as to regulate their internal concerns, and control their reciprocal relations. Besides the Navigation Act, and other salutary provisions of the same description, for regulating the trade and commerce of the colonies, imposing duties on *exports*, and restraints on manufacturing industry, acts of imperial legislation, which came gradually to be regarded in rather a questionable shape, and which terminated at last in producing a prosperous rebellion,—besides these, there were again others of a more strictly municipal character, the operation of which was never practically contested, nor their principle theoretically disputed. Among these provisions may be enumerated, the acts of parliament; 1, establishing a *general post office* at the beginning of the last century, and raising a revenue on postage for defraying the expense of the establishment, of which Franklin was at the head, just before it was abolished by the Revolution; 2, regulating the *colonial currency;* 3, altering the *laws of property*, by changing real estates in some respects into chattel interests; 4, altering the *rules of evidence*, by requiring the admission of affidavits of creditors, duly authenticated in England, by the courts of justice in the colonies; 5, laying an assessment of *hospital money* on

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American seamen; 6, dissolving *contracts of service* created by indentures, and discharging apprentices from their masters on their enlistment into the army; 7, *naturalizing* all foreign protestants and Jews, residing seven years in the colonies.

Mr Du Ponceau remarks, that 'until the late Revolution, the British colonies, although separated by local governments, never ceased to make one whole with the remainder of the British empire, and have never ceased to be under a national superintending government.' 'Before the Revolution,' he adds, 'it was in the king and parliament of Great Britain, whose powers were limited, like those of the government which supplies its place.' It was a maxim of English jurisprudence, that though acts of parliament did not extend beyond the empire, nor operate upon its dependencies *proprio vigore*, yet they applied to, and bound them, when they were expressly comprehended in the purview of the act. This was rather an ambiguous authority, which was never either precisely contested nor conceded, never absolutely yielded in any matter of money, nor called in question, when it was exercised for the benefit of the colonies. In consequence of the events of our Revolution, it has probably been silently abandoned in relation to the remaining colonies. However the exercise of a power of executing a general system of internal improvement, for example, by cutting roads and canals through the colonies, might have been relished, we have no great reason to suppose it would have been resisted by the stoutest champions of their rights and liberties, so long as the government should have limited itself to the application of its own resources, and abstained from extracting an involuntary appropriation from the colonial treasuries. This was a point on which they were somewhat particular; and in a matter of that kind, it was very much their manner, rendered rather inveterate by usage, and somewhat irritable by opposition, to do nothing without asking their own advice. The act requiring the use of stamps in courts of justice, afterwards so odious, differed only from the provision before alluded to, respecting affidavits, in this ungracious circumstance, that it went to raise a revenue against their will. In the act for the general post office establishment, it is a little

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remarkable, that even this specific difference was overlooked; and it is a circumstance of some curiosity, that Franklin, who was the Falkland of our civil war, so long as it would tolerate any neutrality, and was no foe, on the whole, to the temperate authority of parliament, enjoyed a salary from this source, which did not exactly square with his argument, while he acted as an agent in England. It is another striking illustration, that the celebrated Albany plan of union, which was projected on the eve of the war of 1756, for colonial defence, and which was finally rendered abortive, by the compound jealousy of the English government on one hand, that it gave too much strength to the colonies, and their own suspicious apprehension on the other, that it conferred too much power upon the crown, was to be founded on the final authority of an act of parliament.

It will also be remembered, that when that fine territory, now distinguished by the general name of the Valley of the Mississippi, which was conquered in that war, was secured by the treaty of peace, it was parcelled out into provinces by a royal proclamation in 1763. The policy of this proclamation, invalidating any unauthorised acquisition of the Indian title, has been supported by a recent determination of the Supreme Court of the United States. We believe it is also a fact, that the king had his forests interspersed among the provinces, and was accustomed to mark his broad arrow on the trees most suitable for the tall admirals of his royal navy; and if we are not mistaken in our recollection, the late Governor Wentworth, of New Hampshire, was the last who enjoyed the office of royal ranger, or surveyor. It is, moreover, well known, that the royal domains remaining in the country, or the crown lands, as they were called at the commencement of the Revolution, were claimed by the United States as common national property, on the ground of conquest in their confederate capacity. To pursue the point, however, through the difficulties that were made by Maryland, during the Revolution, on account of her circumscribed boundary, to the mode in which the subject was finally settled by Congress, although it would not prove unprofitable to the question, would lead to an anachronism in the discussion of it, which may as well be passed over.

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Throughout the whole of our controversy with Great Britain, the colonists contended for the existence of a general civil constitution for the colonies, to which they constantly appealed for the definition and security of these rights, which they claimed as native born subjects, and which was founded, and could be maintained, on no other basis, than that of the common law of England. Indeed it cannot be contested, that the elements of the English system of jurisprudence, existed in their full vigor in the colonies, excepting such parts of it as related more exclusively to its feudal and ecclesiastical institutions. Governor Pownall, than whom, it is probable, a more constitutional jurist did not exist in the colonies, and whose authority is frequently referred to with the utmost respect by Dr Franklin, lays it down as a rule universally adopted through all the colonies, that they carried with them to America the common law of England, with such portion of the statutes, observing the ecclesiastical exception, as were in force at the time of their establishment.* In all the colonies, he says, the *common law is received as the foundation and main body of their law.* The variegated aspect, which this common law exhibited in the colonies, may be accounted for mainly by two circumstances. The first is, that it was a system of principles, depending chiefly for its form on its judicial administration; and, secondly, that the jurisprudence itself, not being contained in any exact code, but in a combined condition with actual jurisdiction, these elements did not so much require to be embodied, as to have a general organ established for their interpretation.

These circumstances must be taken into view together, to explain the apparent discrepancies in the colonial system. It is a characteristic principle of the common law of England, that its evidence exists emphatically in judicial exposition. This circumstance naturally gave the common law the complexion of a *Jurisprudence d'Arrets*, or what is familiarly denominated judicial legislation; and would probably have produced the same mosaic and tesselated appearance, that is presented in the parliamentary law of France, but for the peculiar structure of the English system, the intercommunication of the courts at Westminster, and the

* The Administration of the Colonies; wherein their Rights and Constitutions are discussed and stated. By Thomas Pownall, &c. London, 1768.

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predominant capacity of the House of Lords, as an ultimate tribunal to pronounce the common, and expound the statute law of the realm. 'In England,' says Mr Du Ponceau, (p. 127,) 'there is, in fact, but one great judicature, sitting at Westminster. Although divided into different tribunals, the same spirit pervades them all; and in important cases the twelve judges meet together to decide. Above them all is the House of Lords, whose judgments are final and conclusive.' But in that country, again, he remarks, (p. 6,) 'the jurisdiction of almost every tribunal is derived from the common law, *that is, from ancient usage*. From the same source proceeds, at the same time, almost the whole of English jurisprudence. *Jurisdiction and law flow together in a mixed stream*, which in England there is little necessity to analyse, in order to separate its component parts.' The same intermingled current has passed over to us, it may be added, as it descended from antiquity.

Still the natural consequences of this primal constitution of the common law are obvious, and their operation is well illustrated, by the description given of it by Lord Chief Justice Hale, in the ancient county courts, into which England was formerly divided, according to the following enumeration. 'First, the ignorance of the judges, who were freeholders of the county; secondly, that these various courts bred varieties of law, especially in the several counties, for the decisions or judgments being made by divers courts, and several independent judges and judicatories, who had no common interest amongst themselves, in their several judicatories, thereby, in process of time, every several county would have several laws, customs, rules, and forms of proceeding; thirdly, that all the business of any moment was carried by parties and factions, and that those of great power and interest in the county, did easily overbear others in their own causes, or in such wherein they were interested, either by relation of kindred, tenure, service, dependence, or application.' This is certainly a very natural account of the operations of such consequences as would be apt to follow, in the absence of a general controlling jurisdiction, such as did not exist in the colonies, and on this subject Governor Pownall very candidly remarks, that it was no disgrace to many gentlemen, sitting on the benches of the courts of law in the colonies, to say

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that they were not, and could not be expected, to be lawyers learned in the law.* Still, in England the common law arose superior to all these circumstances, and vindicated to itself a character, to which causes could not be equally propitious here.

Although the common law was thus received in all the colonies, as the foundation and main body of their law, Governor Pownall further remarks, that each colony being vested with legislative power, in addition to the circumstance before alluded to, of the exercise of judicial authority, the common law became thereby liable to continual alteration; so that, 'as a great lawyer of the colonies, probably a crown lawyer, had said, by reason of the diversity of their resolutions, in their respective superior courts, and of the several new acts or laws made in them severally, the several systems of the laws of those colonies grew more and more variant, not only from one another, but from the laws of England.' (p. 108.) Upon this point again, Governor Pownall observes, (p. 102,) that 'where the circumstances of a country and people, and their relations to the statutes and common law differ so greatly, the common law of these countries must, in its natural course, become different, and sometimes even contrary, or at least incompatible with the common law of England, so that in some cases, the determinations arising both from the statute and common law, (namely, of England,) must be rejected. This renders the judicatories of these countries vague and precarious, if not arbitrary, and leads to the rendering the common law of the country different, incompatible with, if not contrary to and independent of, the law of the mother country.' In support of these remarks, the following observations are quoted from an author of one of our colonial histories. 'The state of our laws opens a door to much controversy. The uncertainty with respect to them, renders property precarious, and greatly exposes us to the arbitrary decision of bad judges. The common law of England is generally received, together with such statutes as were enacted before we had a legislature of our own. But our courts exercise a sovereign authority, in determining what parts of the common and statute law ought to be extended;

* See Administration of the Colonies, &c. pp. 101, 103.

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for it must be admitted, that the difference of circumstances necessarily requires us, in some cases, to reject the determinations of both. In many instances they have also extended even acts of parliament, passed since we have had a distinct legislation, which is adding greatly to our confusion. The practice of our courts is not less uncertain than the law. Some of the English rules are adopted, others rejected. Two things, therefore, seem to be absolutely necessary for the public security; first, the passing an act for settling the extent of the English laws; secondly, that the courts ordain a general set of rules for the regulation of practice.' Governor Pownall observes, that, 'from this representation of things, it is evident that something is wanting to fix determinately the judicial powers,' and further, he deemed it important to make an entire new organisation of them, on principles which he suggests, analogous to the general jurisdiction already established by the laws of England, and corresponding to the political constitution of the colonies. Some objection, he supposed, might be raised in the minds of the colonists against the erection of any new jurisdiction, established by powers not known to the laws of the realm; but no solid objection seemed to exist, in his view, to the establishment of courts, 'the laws of whose practice, jurisdiction, and powers, are already settled by the laws of the realm.' It was a question, which he anticipated, whether the crown could, or could not, erect in the colonies, without the concurrence of the legislature, courts of chancery, exchequer, king's bench, common pleas, admiralty, and probate, or ecclesiastical courts. However that might be, he considered it a subject strongly recommending itself to the wisdom of the imperial legislature.

The remarks of Governor Pownall on this subject, are so exceedingly instructive, that we regret that our limits, already considerably encroached upon, will not allow us to extend them. In order to comprehend the subject fully, and at the same time encounter the appalling exhibition he has presented, concerning the causes of the corruption, as the crown lawyers might be pleased to consider it, of the colonial common law, and also apprehend the grounds of his proposed reform, it may be convenient to advert to the actual judicial constitution of the colonies, as understood in theory, and established in practice.

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By the theory of the colonial government, the power of administering justice was unquestionably an emanation from the sovereignty. By the constitution of the empire, the king was the fountain of justice. Witness ourself at Westminster was the style in which the current ran in England; and it is a familiar anecdote of the same Solomon, who sat upon the English throne, that he was seized with the fancy to preside, according to the flesh, as the absolute personification of justice. Judicial proceedings were all conducted in the colonies in the name of the king, with the exception of a short period, when our ancestors in Massachusetts Bay undertook to coin their money, and lay down the law in the name of their own supreme majesty,—one of those juvenile exploits of state sovereignty, for which they were afterwards fined, in the loss of their charter, with the penalty of being reduced to the form of a province; and also of having the province of Maine incorporated with the old colony in her boundaries.

This authority of the sovereign, however, was not enjoyed undivided, nor its details undisputed. The crown assumed the power of establishing courts, and retained the actual appointment of judges. This last point was never practically contested, but it was asserted as a principle, by the colonial jurists, that courts could not be erected without an act of their own legislature. It was not contended by the crown lawyers, that the claim of the crown to erect judicatories in the colonies, extended to any right of defining the jurisdiction of those courts, or the laws by which it was to be exercised. They did not assume the power of establishing any new species of authority, unknown to the laws of the realm; but the ground on which they placed the pretension was this; 'The crown names the judge, and establishes the courts, but the jurisdiction is settled by the laws of the realm.' And here the question rested until the Revolution, when it worked itself into the catalogue of grievances. With this limitation of the power of the crown, and this protest against the erection of any tribunal, on principles unknown to the laws, it was evidently the impression entertained, by some of the most liberal and enlightened jurists in the colonies, that there was no constitutional impediment to the establishment of courts, the rules of whose jurisdiction should be previously recognised, defined, and settled, by the laws of

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the realm. It appears to be a fact, that all the powers, which existed in the colonies for administering justice, were derived originally from the crown, either through the instrumentality of their charters, or by commissions to the governors. These latter especially contained an express delegation of all its judicial power, and jurisdictions of chancery, admiralty, and supreme ordinary, as well as of common law, and authorised or directed the establishment of courts.*

It is stated by Mr Sergeant, in the sketch of the national judiciary powers, exercised in the present United States, from the first settlement of the colonies, that a general superintending power was exercised by the king in council, by way of appeal from the decisions of the colonial tribunals. The reason of this institution, which is very briefly mentioned by Mr Sergeant, is involved in some antiquity, and is to be explained by recurrence to the early history of England. As the feudal system was confined to the mother country, its polity could only be extended to the colonies by fiction. The county palatine of Durham, presented the first model for their formation; as in the charters of Carolina, Maryland, Maine, and the Caribbee Islands. This was succeeded by a comparison of them of a sudden, to the Dutchies of Gascoigne, or Normandy, which the king held as his own demesnes, *in partibus exteris*, not parcels of the realm, nor properly annexed to the crown of England. From that period the condition of the colonies was considered the same as that of Jersey, which was part of the Dutchy of Normandy. And at this time, there being no precedent for any judicial establishment out of the kingdom, except those of Guernsey and Jersey, relics of the Dutchy of Normandy, which were not considered as united to the realm, appeals were brought not to the court of chancery, nor to the House of Lords, but were made to the king in council, as though he were still duke, according to the ancient custom of Normandy. The same regulations were adopted for appeals. In Jersey, appeals lay in matters of property above the value of three hundred livres tournois; and appeals in the colonies were restricted to cases of three hundred pounds sterling. This

* Pownall's Administration of the Colonies, pp. 85, 105, 110, 111.

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Norman custom, as Governor Pownall calls it, continued to be the corner stone in the construction of their judicial system.

Appeals were frequent to the king in council, from the highest courts in the colonies before the Revolution. Mr Sergeant refers to several in Pennsylvania, and the great case of Vaughan, appellant from a judgment in New Hampshire, in favor of Mason, as proprietor of the province, for lands in Portsmouth, which was argued by counsel before the committee for trade and plantations of the privy council, and on their report ratifying the verdict, judgment was affirmed by the king in council. This is recorded by Dr Belknap, in his history and appendix. Mr Sergeant surmises, that in some instances, the appeal was first to the governor and council, and refers to a case in Lord Raymond, brought from the island of Barbadoes, after going through this process, before the king in council. According to the late Dr Christian's account of it, this is in fact a court of justice, which must consist of at least three privy counsellors; and the usual mode of exercising its judicial authority is in committee of the whole privy council. (1 Bl. Com. 232.) Charles the First, pursuing his idea of managing the colonies, as his own separate concern, delegated this appellate jurisdiction to the council, which he established for governing the plantations. This appellate authority, exercised by the king in council, was an anomaly in the system, and was properly confined to those cases, which were considered special flowers of prerogative, such as idiocy and lunacy, and by rather an ill omened association, admiralty. By a very natural process, upon this principle, appeals from the vice admiralty established in the colonies, came to be heard before the same tribunal; and as the jurisdiction of admiralty soon acquired an affinity for matters of exchequer, cases of that kind from the colonies were also carried, by a familiar operation, before the king in council.

Sir William Blackstone states, that whenever a question arises between two provinces in America, or elsewhere, concerning the extent of their charters, &c, the king exercised original jurisdiction therein, upon the principles of feudal sovereignty. And in the case of Mostyn and Fabrigas, which was decided in England just before the Revolution,

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and after the publication of the Commentaries, (1774,) Lord Mansfield lays down the doctrine, that no question concerning the seignory can be tried within the seignory; and, therefore, when a question respecting the seignory arose in the proprietary governments, or between two provinces of America, or in the Isle of Man, it was cognisable by the king's courts in England only. The case of the Isle of Man, which was demanded by the Earl of Derby, was in the reign of Queen Elisabeth. The claim of the representatives of the duke of Montague, to the Island of St Vincents, was determined in 1764.

Mr Du Ponceau observes, that the famous case between William Penn and Lord Baltimore, was determined according to the law of England, which in all national matters, he says, never ceased to be the rule of right and wrong. We suppose he refers to the case, as reported by Vesey the elder, which was a bill in chancery, brought by Mr Penn against Lord Baltimore, to compel specific performance of an agreement, relative to difference between them respecting their boundaries. Lord Baltimore was a sort of sovereign prince over the province of Maryland; and Penn was the proprietary of Pennsylvania. Lord Hardwicke entered into an elaborate discussion respecting the jurisdiction, both of the court of privy council and chancery, in relation to questions arising upon subject matters abroad, the result of which was, that the court of privy council could not decree *in personam* in England, unless in certain criminal cases, and the court of chancery could not decree *in rem* out of the kingdom. But notwithstanding the degree of locality attached to the subject of the dispute in that case, the lord chancellor considered it as a matter of contract between the parties, to be executed by their personal acts, in which it was proper for the court to interfere.

In cases where the king himself was a party on one side, and where the colonies were concerned on the other, and which, therefore, could not with any propriety be brought before the king in council, the king's bench exercised original jurisdiction. An instance of this occurred in the famous proceedings of *quo warranto*, on which the charter of Massachusetts was adjudged to be forfeited, by a judgment of the court of king's bench. The general seizure of the

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charters at this period was so arbitrary an act, that public opinion revolted at the mode in which it was exercised. Nevertheless, the king's bench was the supreme court of common law in the kingdom; and besides its general superintending and visitatorial authority over civil or lay corporations, and its prerogative power to issue writs of *mandamus*, its authority was considered, so late as the days of Lord Mansfield, as extending to the extremities of the empire, in order to prevent a failure of justice. If any forum was demanded for determining disputes between the king and colonies, as certainly was expedient under a free system, this tribunal was probably as little obnoxious as any that was established. But the question, concerning the judicial power of the king's bench, stood on very much the same foundation, as the legislative power of parliament. They ranked very nearly as coordinate authorities. Situated as the colonies were, in relation to the English government, they could not be satisfied to regard the king's bench as a constitutional tribunal for this purpose, and its jurisdiction was perhaps about as little relished, as that of the present supreme court of the United States is, by those western states beyond the Allegany, which have no representatives on the bench. As it was, upon the whole, it only pointed to a defect in the system.

The king's bench was also considered the highest court of original criminal jurisdiction in the kingdom, next to the House of Lords, having full authority to hear and determine all capital and inferior offences of a public nature; and, being the *custos morum* of all the subjects of the realm, does not require a precedent in every case to authorise its interference. Several acts of parliament were passed, authorising persons accused of crimes committed in the colonies, to be sent to England for trial. The statute of 35 Hen. VIII was revived for that purpose. The 12 Geo. III contained several capital enactments to this effect, and a particular act was passed, empowering the government of Massachusetts Bay to send to England, or to other colonies for trial, persons indicted for murder in that province. This was complained of as a grievous violation of the principles of common law; on which it was held, that the inhabitants of the colonies could not be transported for trial, to any other part of the realm; that there could be no criminal jurisdiction exercised, except

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in the province where the crime was committed, or the accused had his domicil, without infringing the right of jury trial from the vicinage, the act of Habeas Corpus, and the common rights of English colonists.

On these grounds it was held to be the general judicial constitution of the colonies, that there existed in them a *jurisdiction preeminently competent to the cognisance of all criminal cases*, exclusive of the appropriate jurisdiction of the admiralty.* How clear and just a conclusion this was, from the cardinal principles of the common law, as a system of criminal jurisprudence, must be apparent to every reflecting lawyer. For the fact itself, that such conclusion was adopted, we refer to the authority of Dr Franklin.

In regard to the jurisdiction of the admiralty, which was emphatically a jewel of the crown, and ranked among the *jura coronæ*, or rights of sovereignty, it was established in the colonies on its appropriate principles; with the further peculiarity, however, that some part of the proper jurisdiction of exchequer was engrafted upon it, by virtue of some of the laws of trade; from which originated a singular usage to dispense with the trial by jury, in cases of this description. This was matter of complaint among the recitals in the Declaration of Independence, but the union became a usage, and the practice remains incorporated with it since the Revolution. It has been doubted in England, whether the jurisdiction of the admiralty was not, in its nature, so perfectly definite, as not to be capable of extension by act of the legislature; but this was in regard to prize, which was held to be an inherent portion of its power. The admiralty is there considered a court of municipal jurisdiction; the jurisdiction of prize was vested in other courts, however, in Scotland; and an act of parliament was required to regulate the practice. Mr Du Ponceau has some remarks respecting the admiralty, as being a perfect and absolute quantity; in respect to which, we have only at present to advert to the existing combination of the not very kindred institutions of the admiralty and exchequer, at least in their original creation, under the magnificent title of the former. *Miratur novas frondes et non sua poma.* We understand it to be a

* Franklin's Works, vol. i. pp. 297, 300; and vol. v. pp. 355, 356, and notes.

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fact, not merely on the authority of Mr Burke, that the establishment of the admiralty in this country, before the Revolution, was chiefly as a security for the English navigation laws.

But the greatest defect, in the judicial administration of the colonies, was the want, in most of them, of a court of equity. In the king's governments, as they were called, the governor, or governor and council, officiated after the fashion of chancellors. But many causes contributed to impair the confidence of the community in this arrangement, objectionable as it was, also, on the score of principle. In the charter governments, as of New England for example, there was no chancery at all; and excepting in the power to give relief in mortgages, bonds, and penalties, in all other subjects of equity jurisdiction, the crown and the public were equally without resource. This circumstance explains one fact, that has long been an anomaly in our civil jurisprudence, namely, the practice of petitioning the legislature for relief, and the usage which has long existed, of interfering to afford it in this summary manner. This power was early exercised, to an extent beyond what that of chancery had ever been carried, even, as it was said, of suspending public laws, by mere orders or resolves passed without much solemnity.

The consideration of all these inconveniences, arising from the imperfect system of judicial authority existing in the colonies before the Revolution, led to the suggestion of some expedient for its improvement; and there was one it seems, that had been in contemplation, and was matured by some of the ablest lawyers in the colonies; viz. *the establishment of a Supreme Court of appeal and equity*, not confined to any single colony, but itinerating through several circuits. The arrangement was as follows. Nova Scotia and New England were to compose one circuit; New York, New Jersey, Pennsylvania, and Maryland, a second; and Virginia, the Carolinas and Georgia, the third. It was recommended, that this circuit system should be composed of two persons, at least, for each district, learned in the law not only of the mother country, but of the several governments in such district; that it should have full powers of a court of chancery, as well as of law, on matters brought before it by writ of error, from the several Superior Courts of the district to

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which it extended; that it should regulate all the courts of law in the exercise of their jurisdiction; have a general superintendence over inferior courts; and thus become an established tribunal of appellate jurisdiction, which should tend to introduce not only a uniformity among the courts of the different colonies themselves; but also to produce a conformity to the courts of the mother country, in the dispensation and construction of the law.* These details are gathered from the work of Governor Pownall on the Administration of the Colonies; and the influence of a fact of this kind, which we do not remember to have seen referred to, will be at once estimated by those, who recognise in it a type of the present judicial establishment of the Union.

That these opinions, which were undoubtedly not formed without much consideration, were not reduced to actual experiment, was probably owing to the interruption of the Revolution. Other questions had grown up and become confounded with this, which it was beyond the authority of the civilian to settle. This was gradually assuming a revolutionary shape with the rest, so that the course of reform was necessarily suspended, and the voice of the law was subdued in the busy hum of preparation, on the eve of the great conflict. In this unsettled state, in which the subject existed at that period, it cannot perhaps be contended that the colonial jurisprudence had attained the shape of a system to such a degree, as to sustain the character of a universal system. Crude, nevertheless, as it may have been, it is there that we must seek for the elements of the common law of the country.

From this view of the subject it would seem, that the defect in the system of the colonies was one, rather of judicature, than jurisprudence. There was a sufficient fulcrum, the want was a lever. The great desideratum undoubtedly was a general judiciary establishment, with powers properly developed, and well defined, whose province should be to administer those principles of common law, that were equally applicable to their condition under their various local diversities; and the absence of such a provision is only to be supplied, by reflection upon the principles, which actually existed towards the formation of such a general judicial constitution, and also considering the true scale on which the

* Pownall's Administration of the Colonies &c, pp. 113, 114.

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actual institutions of that period were constructed. The colonies at this period had lost their confidence in those, from whom a new organisation would have been expected ; and we believe there was at this period a feeling, prevalent in the colonies, unfriendly to any change proceeding from the crown. *Nolumus leges mutari* seems to have been their motto, and at the same time we observe among the causes of complaint against the king, recited in the Declaration of Independence, that he had obstructed the administration of justice, by refusing to cooperate in the establishment of judiciary powers.

From this imperfect review of the state of things before the Revolution, it seems, however, to result, that the general elements of English jurisprudence, excepting its ecclesiastical portion, existed in the colonies actually, or potentially, to such an extent, as to maintain the positions, that were assumed by the patriotic lawyers of that period, and which have been adopted by the soundest constitutional lawyers since. The Congress of the United Colonies, before they proclaimed their independence, in 1774, declared them to be entitled to the common law of England. We know by tradition, that Blackstone was received with delight in the colonies, as the expositor of their law ; and that whole editions of the commentary were exhausted in America ; and the active, liberal, and enlightened spirit of the American jurists of that age deserved the noble eulogium, which it drew forth from the eloquence of Burke. We may grant that their attention was principally attracted, at that period, to those points of personal liberty and rights of private property, upon which most of the original causes of controversy turned ; but these were insisted upon only as constituent parts of the general system of common law, interwoven into the constitution of all the colonies ; and where, we may ask, could they have found more genuine and authentic expositions of the truest principles of natural and municipal law combined upon this subject, than in the provisions of the common law, as expressed in Magna Charta, the Petition of Right, the Bill of Rights, and the Habeas Corpus Act? All the acts and declarations of the period, to which we refer, were founded on this idea of a constitutional code of common law for the colonies, existing like that of England, in those legislative resolutions of

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rights, redigested by the colonial congresses, and judicial determinations, legal usages, and established precedents, in which the common law consisted. Upon these followed, of consequence, the adoption of all those rules and doctrines, respecting the rights of persons, and laws of property, the definitions of which could be found in America only in that system. The common law was the only general form, to which the elements before referred to had been reduced throughout the colonies; and excepting the provisional establishment of equity powers, in some shape or other, in some of the provinces, together with probate courts, there was no other combination into which those principles may properly be considered to have been condensed. Whatever residue of judicial power and authority there was, remained in a state of suspension, or in the language of the law itself, *in nubibus.*

We believe it has never been denied, that the Revolution rendered us, on the principles of the declaration of independence, if it did not find us already constituted, one people. This Revolution did not dissolve the bonds of society, nor reduce us to a state of nature. The revolutionists were too well read in Locke, and their minds too deeply imbued with the principles of law itself, apart from the authority of writers, to admit a conclusion so barbarous, as that of abandoning all the body they possessed of municipal jurisprudence. There is hardly any person, we apprehend, who has done more to settle this subject, by slow degrees, than the present Chief Justice Marshall. Resorting so little as he does to authority, relying so little on precedent, reposing so much on principle, and drawing so much from the resources of enlightened reason, and profound philosophy, together with the caution that distinguishes his character and the natural moderation of his temper, there is no authority more likely to be referred to hereafter than his own, and there are no propositions, that will probably be found to require less limitation, or better bear the test of revision.

In the case of Livingston against Jefferson, which is found in the first volume of Hall's Law Journal, new series, the Chief Justice makes the following observations; 'When our ancestors migrated to America, they brought with them the common law of their native country, so far as it was applica-

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ble to their new situation; and I do not conceive, that the Revolution would in any degree have changed the relations of man to man, or the law which regulated these relations. In breaking our political connexion with the parent state, we did not break our connexion with each other. It remained subsequent to the ancient rules, until those rules should be changed by the competent authority.' To this we may add, that it was the deliberate opinion entertained and pronounced by Chief Justice Ellsworth, while he was on the supreme bench, that the common law of this country remains the same as it was before the Revolution. We may also adduce to this point the opinion of Mr Du Ponceau, that the general system of laws, by which these colonies were governed, has never been repealed, either expressly or by necessary implication, but has always continued to be in vigor, so far as applicable to our varying situation.

The first serious question, that was made on this subject, we believe was by Judge Chase, on the trial of Worrall, in 1798, when he declared it with great energy as his opinion, that the United States had no common law, although the states had. But the common law of one state was not the common law of another; nor was the common law of England the law of any of the states, except so far as they had adopted and modified it by their respective statutes and usages, from which had resulted an endless variety, that could not be reconciled. This opinion, as Mr Du Ponceau remarks, made considerable noise at that time, and produced a vague but strong impression, as Judge Chase was known to be a man of powerful mind and extensive learning, and more addicted by his temper to extend, than to abridge authority. For the sins of his temperament, certainly, rather than the surrender of his trust, this patriotic and independent jurist was summoned to answer before the highest tribunal of his country, on several charges of impeachment; and since his universal acquittal from them, upon a judgment of the Senate, sanctioned by the subsequent voice of the nation, he has been gathered, without a spot on his integrity, to the rest of that race of our political fathers, who have gone to their reward through much tribulation. This opinion, although it did not compose one of the ingredients of his accusation,

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gave rise to one of those unfortunate measures of legislation, the Sedition Act, which was passed soon after.

This opinion of Judge Chase, from which the Sedition Act resulted as a corollary, was employed by Professor Tucker of William and Mary's College, in Virginia, to combat that of Chief Justice Ellsworth in an essay, in which he exhausted all the diversities, anomalies, and antinomies, that could be brought into any relation to the subject; and this product of a political enthusiasm, he intended to embody as a permanent appendix to the commentary of Blackstone. The opinion of Judge Chase seems to have been reverenced and regarded as a sort of perpetual edict. It served as a text for the instruction of the General Assembly of Virginia in 1800. The Virginia Assembly did not pause at that time, to expose at large what they considered the monstrous pretensions, resulting from the adoption of the principle stated; to wit, that the common law of England was in force under the government of the United States. But besides the evils attending the exercise of such an unlimited criminal jurisdiction, as it opened, it was declared to arrest, or supersede state jurisdictions, and to innovate upon state laws; to assume a range of jurisdiction for the federal courts, which defied definition or limitation; and again, that it had a tendency to involve the existing institutions of federal and state courts in such an inextricable maze of confusion, that it would be impossible to separate their judiciary rights with precision, or avoid the constant and mischievous consequences of a conflict of rival jurisdictions. They, therefore, protested against the passing of any law by Congress, which was founded upon, or recognised this principle, except such parts of the common law, as might have a sanction from the constitution, so far as they were necessarily comprehended in the technical phrases, which express the powers delegated to the government; and also excepting such other parts, as may be adopted by Congress, as necessary and proper for carrying into execution the powers expressly delegated.

The opinion delivered by Judge Chase industriously confines the operation of the common law, as a civil rule, to cases between citizens in states, where the suits are instituted, whether in the federal or state courts indifferently; while

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the Virginia resolutions, notwithstanding the broad language of the preamble, more considerately allow it the whole scope of the constitution. That this imagined common law of the Union can be in any manner the same, as the common law of England, Judge Chase positively denies; and what was the source of the common law acknowledged by the General Assembly of Virginia, is, by their instructions, in no wise indicated. The constitution does not clear up this point by any particular definition. It is a very just remark of Mr Justice Story, that the constitution of the United States *presupposes* the existence of the common law.

It then becomes a very interesting topic of examination, to ascertain what this common law is, which is thus, in his language, presupposed by the constitution. This point of inquiry, namely, wherein consists this anteconstitutional common law of this country is one, which Mr Du Ponceau undertakes professionally to answer. In the first place, he says, 'I consider *the common law of England* as the *jus commune* of the United States.' And, secondly, 'I think I can lay it down as a correct principle, that the common law of England, *as it was at the time of the Declaration of Independence*, still continues to be the national law of this country, so far as it is applicable to our present state, and subject to the modifications it has received here in the course of near half a century.' That is, subsequently to the Revolution. This proposition of Mr Du Ponceau is not, we acknowledge, without some embarrassment to our minds, in respect to the point of time, at which he fixes the period of this identification of the common law of this country, with the common law of England; for if we apprehend the statement aright, it is, that the common law of England was the common law of this country, at the epoch of the Revolution. We are not quite sure, however, that we do perfectly apprehend Mr Du Ponceau on this point; nor whether there is not a little indistinctness of vision in our own organ, rather than his. We do not imagine, that he means to arrive at such a result by any empirical process; and he, therefore, is not to be understood as attributing any inherent virtue and efficacy to the law of England, as being rendered thereby, at that period, the law of the colonies. Conquered and ceded countries, upon the principle so correctly considered by himself, retain their

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laws and preserve their original customs; and much more a country like ours, which had conquered its independence, and achieved its own sovereignty, as a nation. Even the phrase of our *emancipation* was one, which Chatham could not endure; 'for when,' said he, 'were we ever slaves?' The principle of the *lex loci* is observed and respected, in regard to all extra-territorial authority; and the necessity of some medium to connect the existing system, with the antecedent state of jurisprudence, is too obvious to escape so penetrating and philosophical an observer as Mr Du Ponceau. It is proper, therefore, to look further into his dissertation, and compare the sentiments, which he expresses on this subject, with the sound principles upon which he undoubtedly determines to erect his system, and rest his opinion.

Mr Du Ponceau accordingly observes, that 'the common law may be viewed under different aspects; hence the variety of opinions that have been and still are entertained respecting it. Here is an ancient and a modern, an English and an American common law, making in some respects a whole, in some others distinct codes.' In his preface he expresses an opinion, that the English and American common law have been in some manner improperly confounded. We are aware with him, that the common law of England has its various periods, which may be distributed, like the Roman, into *jus antiquum*, *jus novum*, and *jus novissimum*. That which he selects, as the true meridian of the English law, and on which he lavishes his encomiums as the season of the greatest excellence in its history, is the space commencing with the middle of the seventeenth century, and ending at the time of the American Revolution.

'The true era of the common law is the period, which followed the great Revolution of 1648, to the time of our own emancipation. It was then that it assumed that bold and majestic shape, those commanding features, which have made it the pride of the nations who possess it, and the envy of those who do not. During that period, the rights of man have been acknowledged and defined, and limits have been set to the sovereign authority. The prerogatives of the crown (I am speaking here of England) have been ascertained, and restricted within proper bounds; the legislative, executive, and judicial authorities, have taken their re-

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spective stations, and know the extent of their several powers; judges have been rendered independent, and juries have been freed from ignoble shackles. The writ of *habeas corpus* has been made effectual, a fair and unexceptionable mode of trial has been provided for cases of high treason. The press has been freed from the unhallowed touch of state licensers. Religious toleration has been established. The hand of arbitrary power has been paralysed; and man has been taught to walk erect, and to feel the dignity of his nature; civil jurisprudence has also been considerably improved, and is in a progressive state of further amendment.' pp. 111, 112.

As Mr Du Ponceau is speaking expressly, in this passage, of England, we do not know in what degree he intends his remarks to apply to the state of the colonies. How the common law, as the common law of England, could have any operation in the colonies during that period, we have no definite idea. The true time, at which the colonies received the common law, was that of their settlement, which was previous to the commencement of the auspicious era, descanted upon with so much animation by Mr Du Ponceau. There is no subsequent point, which we can fix without anachronism, for any general transfusion of its principles; and from that time forth, its improvement arose from its gradual adaptation of those principles to the condition of the colonies, and the adoption of those meliorations of it, which took place during this long interval in England. The power of legislation, upon subjects of common law, was deemed to have ceased in Great Britain, concerning the colonies, in so far, that legislative alterations of its principles were only received in their courts at their election. But judicial determinations, in regard to those principles, by the English tribunals, it is certainly true, carried some air of authority until the Revolution; and the legislatures of some of our states have in reality acted upon no false principle, in suspending the citing of such cases as authorities since the Revolution, although there would be no great harm, perhaps, in permitting them to be read. That there was some affinity, therefore, between the two systems, during this long middle age of the common law, seems quite apparent.

Mr Du Ponceau again observes, 'That the common law was the common jurisprudence of England, and her English

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colonies, under such modifications as their peculiar situation required. In all cases for which the local law had not provided, or to which it was not applicable, this national law, (as he terms it,) was the rule of decision.' In this general relation to the mother country and the colonies, he compares it to the civil law, which is called the common law, *jus commune* of Europe; which each separate government has modified, as it thought proper, to suit its own local circumstances; or if it has introduced into its territories new edicts, new laws, and new codes, still the civil law governs in all their common concerns. As the civil law is now in Europe, so the common law in America 'was not indeed paramount to the local customs and statutes, but it was the fruitful source from which principles were drawn to aid in the solution of all the doubts and difficulties, which arose from them, and the rule by which unforeseen cases were decided. It was a general system of jurisprudence, hovering over the local legislation, and filling up the interstices. It was ready to pour in at every opening it could find. Like the sun under a cloud, it was overshadowed, not extinguished, by the local laws. It lost nothing of its force, its power, or its vigor. It burst in at the moment of the adoption of the constitution of the United States, and filled up every space, which the state laws ceased to occupy.'

If we comprehend Mr Du Ponceau's idea in this glowing passage, it is, that the common law of which he speaks, is neither the English common law, nor the American common law, exclusively, according to the distinction previously suggested by him, but the common law of England and the colonies together, and so continued until the time of the Revolution; and that the whole body of it was adopted with the constitution, to supply all these spaces, which were opened or created for its application, by the operations of the new form of government. So far as Mr Du Ponceau may be understood to speak of the common law of England, as a great reservoir for supplying the jurisprudence of the colonies, we apprehend him to be correct; and we are not prepared at present to deny, that there might have been a certain portion, or residuum of this power, in his own moderate sense of the term, which, of course, remained suspended during our dependant colonial condition; and which instant-

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ly, perhaps, became applicable in the due exercise of the judicial faculty of national sovereignty. Indeed we believe, that in practice, the principles of the common law were immediately, and have always been applied to the civil relations, subsisting between the government, and its officers, and citizens. Some rule was certainly necessary, and we know of none, that could have been so properly adopted. Whether the authority, under which this rule went into operation, was derived entirely from its adoption by the constitution, or whether the principle possessed some previous potential vigor, and elastic force, is a dilemma in which we understand Mr Du Ponceau rather to favor the latter alternative.

While we have no difficulty in conceiving, how a common law could exist in this country upon some principle before the constitution, we have some, however, in apprehending how there could be a common jurisprudence between England and her colonies, during the last century, except under very considerable limitation. That the common law of the colonies, indeed, could not be the same as the exact common law of England, is quite obvious. There could not be in all respects a common law to both countries. There could be no common rule to such various relations, as were divided by the ocean, any more than the same doctrine of real estate can be applied to wild land and cultivated; and that portion of the common law, which Mr Du Ponceau describes, as having been brought into being with the constitution, could assuredly have had no actual existence in this country before the Revolution.

It was very justly remarked by Lord Mansfield, that the law of England would be a very singular science, if it depended on precedents only. Precedents serve to illustrate principles, and to give them a fixed authority. The law, he observes, does not consist in particular cases, but in general principles, that run through the cases and govern the decisions of them. It is undoubtedly true, that the genius of the common law is essentially analytical. Its courts decide nothing but cases; all the rest is mere *obiter dictum;* and it is evident that Lord Eldon's mind, with a strong native cast towards equity, received its original schooling in the common law. It is charged upon the common law as a solecism, by

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Holcroft, in his novel of Hugh Trevor, that the rule is always the same, while the cases are different; but such a remark would never be uttered by a man of philosophical reflection. Dr Cooper speaks with more propriety in saying, that 'principles may, with due care, be so clearly expressed, that they will admit of little doubt; while the *innumerable variety of cases, that will come under them*, no effort of human wisdom can reduce to any system *a priori*; they will arise from circumstances, with which we are totally unacquainted; from modes of social intercourse, which will receive their origin, when we are dead.' We are no apologists, more than Dr Cooper himself, for what may justly be deemed bench legislation; but we are warm advocates for that species of legislation, which is wrought by the spirit of the age.

Time is unquestionably the great legislator; and we cease to inquire into the annals of past ages, to find the wisdom that is necessary to guide our own. Changes, therefore, are insensibly wrought in the circumstances of a country, to which it is necessary, that not only the laws themselves, but also the spirit of the laws, should be accommodated. This alteration is not produced; it already exists before it is announced; and excepting those cases, which are proper for the interposition of the legislature, society has yet to invent some more suitable organ for pronouncing it, than its own judicial authority. As for many of those cases, that pass under the odious name of judicial legislation, we conceive they are frequently little else, than a mere sound discrimination and application of the most apt and enlightened principles. We thought there was hardly any reproach, to which the common law of England was less liable, than one of this sort. The complaint has rather been, that it was not sufficiently ductile. It is a maxim of that law, for example, that statutes altering the common law should be construed strictly, and also that no statute ever becomes abrogated, although really reduced to a dead letter, by disuse. And whether this rigid system of precedents, even accompanied with all the original and inherent redeeming excellencies of the common law, but governed at the same time by the impracticable spirit prevailing upon the English bench, ought to constitute the precise rule of municipal jurisprudence for the United States, to be measured at the exact moment of

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their independence, without regard to the very considerable changes, that it had experienced and undergone in its actual application to the state of society on this side of the ocean, and without making allowance, moreover, for the more mutable and practical aptitude, which its principles had acquired in the character of a system for the colonies, during the long period of their dependence upon the crown of Great Britain, would be that proposition upon which we should linger a long time, before we gave it our absolute assent.

But the American common law, we apprehend, is in quite another tone and spirit. On this topic we may avail ourselves of the remarks made by Mr Du Ponceau, upon the essential improvements, which civil jurisprudence has undergone in the United States; and this is in those respects, in which he considers the common law to be originally inferior to the civil. He considers it to be still in a progressive state of improvement, and to be becoming more and more 'dignified with American features.' Our landed estates, for example, have become allodial; the traits of the feudal system are nearly effaced, excepting a few forms and phrases, among which, that of *fee simple* still survives. The principles of conveyancing are simplified, and registries established to supersede the ancient form of livery of seizin. Entails, where not abolished, are very easily destroyed. Survivership in joint tenancy is almost extinct. The laws of descent are assimilated to the rules of succession, established by the Roman law; and the privilege of primogeniture is abolished. 'If children, then heirs.' The intricate peculiarities of English practice in general are less observed; legal proceedings rendered less expensive, and legal rights more easily understood by those, who cannot pretend to be subtle lawyers.

Now the most of these changes were actually effected, and the principles of them all were in operation, and the whole impulse, in fact, communicated before the Revolution. From all this it is moreover apparent, as if of much greater consequence, that the American common law had acquired a spirit of change; and that this spirit had moved over the face of the deep, which was no longer a dead and stagnant surface, but was excited with all the vigor of a new creation. Whatever inflexibility may be arrogated, or attributed to the English system, the character of our own is not so

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harsh and rugged, as many have deemed it; and if such be the true quality of the common law of England in any degree equivalent to the supposition, we regard it as a still further evidence of the actual departure, which the American common law had acquired from it, anterior to the epoch prescribed by Mr Du Ponceau.

That the common law did exist in this country, before the Revolution, is a mere matter of fact, totally independent of any argument concerning its excellence, or any question touching its character as a system. There must be some law in every country, and this was the law of ours; at least until some more satisfactory conclusion can be established. 'But why,' says Mr Du Ponceau, and we take pleasure in borrowing the following beautiful, and somewhat Ciceronian passage, 'why need I go into such a wide argument to prove, what I consider a self evident principle? We live in the midst of the common law; we inhale it at every breath, imbibe it at every pore; we meet it when we wake, and when we lay down to sleep; it is interwoven with the very idiom that we speak, and we cannot learn another system of laws, without learning at the same time another language. We cannot think of right or wrong, but through the medium of the ideas, that we have derived from the common law.' It is the very *ens rationis*, and, as Mr Du Ponceau observes in another place, is a part of every civil and political institution. In this sense it becomes quite obvious, that the United States must have a general law, not so much arising out of their constitution, as resulting from their condition, suiting itself to their national circumstances, fitting itself to their federal relations, and incorporating itself with their municipal concerns and uses.

A civil community cannot be conceived to exist without a body of jurisprudence; and it is no doubt perfectly correct to say, as has been suggested by one of our most valuable, though least obtrusive jurists, that our present social contract must be supposed to have been formed upon the supposition of certain fundamental principles of social order, derived from the common law, or as he terms it, 'adopted under *our* English common law,' whether expressly referred to by it or not. No language can be more correct, in our judgment, than to say, that this was the element of the constitution.

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Nor does this phraseology exclude the use of the civil law as a principle of interpretation, whenever it may be important to the same instrument. The security of the rights and repose of private society against general search warrants, of the conscious independence of personal liberty against arbitrary seizure or extravagant stipulation, the indemnity of individual property against acts of involuntary benevolence, or in other words, the resistance of taxation without representation; the independence of thought, together with its signs, of speaking, writing, and publishing, as well as the liberty of volition and action, within the bounds of law; these were the topics that were perpetually harped upon out of the common law, and served to fan the flame of freedom on both sides of the Atlantic.

On the same platform of our original common law, we are able to keep pace with the progress of the most enlightened principles of national and public law, and avail ourselves of the advances of general jurisprudence in the improvement of our civil code, or the explication of our political system. In that manner, without doubt, the United States will eventually come to have a common law, 'not that of England, nor of Rome, nor of France, but the common law of the United States.' In that manner, together with that body of natural reason and law, which is requisite for the municipal order of civil society; and those usages, which we have derived from England, and those customs, which were established in the colonies; and those legal principles, that we have already borrowed from other sources, with those that we may hereafter extract from foreign codes, or the future combinations of our concerns and interests, we shall probably acquire a system of common law, suitable to expound and give effect to the constitution, and open a sufficient field for the operation of all the benevolent and equitable principles.

We have expressed our assent to the doctrine of Mr Du Ponceau, respecting the existence of a common law for this country. We acknowledge its necessity to the exposition of the constitution. We admit it was an element floating, if he pleases, in the atmosphere. We regard it still as a vast reservoir of valuable jurisprudence; but we are not satisfied with the correctness of his expression, in calling it the common law of England, and fixing its authority at the epoch of

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the Declaration of Independence. It seems to us to be beginning with the old phrases of the civil law *Regiam Majestatem.* We are far, as we hope we have already said, from charging upon Mr Du Ponceau the heretical idea of any inherent efficacy, in the law of England at that instant, as binding us *proprio vigore;* and yet something of that kind seems necessarily to be implied, without some kind of *mordant*, or *medius terminus*, to ground the color, or connect the consequence with some immediate cause. And it is difficult to discover, what basis of authority the common law of England could rest upon in this country, at the period of the Revolution, similar in any manner to the authority which it enjoyed in England; or equivalent even to the predominance, which the civil law has obtained upon the continent of Europe. We have even yet to learn how the common law of England, in the capacity of common law of England, could prevail in the colonies during the century after their settlement.

We will add our concession to the criminal law of England, of all the unrivalled excellence that belongs to it as a rule of jurisdiction, and also as a species of jurisprudence connected with all there is valuable in English liberty. But, agreeing with Mr Du Ponceau, respecting the existence of an American common law, independent of that of England, we are induced to give it an origin somewhat beyond the breaking out of the Revolution; and after that period, until the adoption of the national constitution, at which time he represents the whole tide of common law pouring in upon us, there was a considerable interval. At that latter period certainly a foreign code, like the law of England, could have owed its obligation only to our adoption; but a limitation of its authority, like that, would not probably be insisted upon by Mr Du Ponceau. The common law, which constitutes the desideratum in his mind, requires some grounds, for which we must search into the state of things long before our independence; and we may discover it by analysing those general principles and usages, which are to be found in 'that generally received and long established law, which forms the present *substratum* of the laws of every state in the Union.' This is the doctrine of Chief Justice Marshall, and we deem it incapable of any addition or subtraction for its improvement.

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We would not undertake to be perfectly confident, however, on any point, on which we might have the misfortune to appear to differ from Mr Du Ponceau, and least of all would we engage in any mere difference about words. Perhaps he is to be understood by his favorite phrase, *common law of England*, as making use of that sort of metaphor in describing the common law of this country, before the Revolution, which our forefathers were so fond of employing, in all the models they made of their social and civil institutions. England, before the Revolution, was always called home; and in this way, the common law of the colonies may be deemed to have acquired, and preserved the name of the common law of England. In the same manner the expression may be understood to have been used by Mr Du Ponceau, who in no part of his book is to be considered as having adopted it, without an implied reference to the changes, which the system had undergone in this country. We have no right to understand him in any sense, which a sound view of the subject will not warrant; nor without all those limitations, which the most careful reflection would suggest. Nor are we aware, that Mr Du Ponceau intended anything by the language alluded to, beyond what the most profound analysis of the principles, on which our institutions rest, would authorise. His known precision of language will not allow us to suppose, that he uses any terms without a perfectly appropriate signification; but we are after all inclined to query, whether, on the present occasion, he has sufficiently guarded himself against misapprehension.

ART. VI.—*A Review of the Efforts and Progress of Nations, during the last Twentyfive Years. By J. C. L. De Sismondi.* Translated from the French by PETER S. DU PONCEAU. 8vo. pp. 36. Philadelphia, 1825.

THIS pamphlet was originally written, as an Essay, in the *Revue Encyclopédique.** It professes to be a survey, taken

* The Revue Encyclopédique is the most valuable foreign journal, which an American can consult, for variety of information and liberality of tone.

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at the close of the first quarter of the nineteenth century, of the progress of the civilised nations of the world, during those twentyfive years. The allusion of the author, M. de Sismondi, at the commencement of the essay, to the celebration of the Jubilee at Rome, is very happy, and furnishes a pleasing introduction to his remarks. These remarks are sensible, liberal, not remarkable in general for depth or originality, probably not drawn up by the author with any great care, nor designed for permanent use, as a political treatise. Though they are evidently the production of a person, who stands in the first class, and that not a numerous one, of political writers; we presume M. de Sismondi himself could easily produce such an essay every month, without any sensible interruption of his graver studies. For this, and other reasons, we have no intention of entering into a formal critique of a performance, not designed to undergo that kind of test. Nor shall we deem it necessary to correct a few trifling errors, into which the author has, we believe, fallen. One or two, relating to our own country, have been briefly noticed by the learned translator of the tract, M. Du Ponceau. We would only observe, that it appears to us to be incorrectly stated, that the language of Wallachia, Moldavia, Bulgaria, and Servia is unwritten; and erroneously *implied*, that the same language prevails in those four principalities. Neither of these propositions we believe to be correct.

But without dwelling on trifles like these, we beg leave to offer to our readers a few remarks, which have occurred to us, in reading this pamphlet, relative to the political circumstances under which it was composed, and some of the subjects, which it treats.

The position of the writers in France, who defend liberal principles, M. de Sismondi of course among them, is constrained, and produces an unsatisfying generality in their propositions, and an occasional want of entire fairness. The law imposing a preliminary *censure* on the press, a law which had been repealed toward the close of the reign of Louis the Eighteenth, after a short revival during the period of his last illness, has again ceased under the new king to exist. The substantial operation of the law, however, by no means ceases with its nominal repeal. It may, in fact, almost be said, that the

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repeal of this law is more unfavorable to the true freedom of the press, than its existence. Unless we suppose, that the repeal is produced by a real and radical change of policy; that the king and his ministers have utterly renounced the doctrine, that the peace and safety of the state require a guard to be placed over the press, (and no such supposition surely can be made,) the repeal of the law shows only, that the government party feels itself strong enough to punish, and therefore thinks it needless to incur the odium of preventing the offences of the press. The repeal of the law shows, that the courts and juries can be depended on to serve the government, as faithfully as the censor and the police officer; and this state of things is certainly more unfriendly to the real freedom of the press, than a preliminary examination of everything proposed to be published. This last system throws immediately upon the executive government the odium of restraining the press; but a rigid construction and prompt execution of laws punishing its abuses, while they impose a restraint scarcely less effectual, throws upon the law and its administration the odium, which would otherwise rest on the executive. In this case, as in many others, it is of less consequence, what the form or the letter of the law is; but everything depends on the spirit and power of the government. In France, the royal government is probably as strong as that of Napoleon, for all purposes of internal administration; and there can be no exaggeration in saying, that its spirit is as hostile to real political liberty as his.

We see in the little pamphlet under consideration, the proof of these positions. An essay by a distinguished French political writer, on the progress of free institutions for the last twentyfive years, ought naturally to make France the prominent object in the picture. The astonishing events, that have crowded so rapidly upon each other in that country, events whose political connexion afford a more instructive, though a less attractive spectacle, than their military history, would naturally stand out with a boldness and distinctness, proportioned to their importance, not merely in the eyes of Frenchmen, but of the statesmen of the civilised world. Five revolutions even within the quarter of a century; the action and reaction between the government and people, under circumstances of unexampled interest and

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moment; the singular and almost paradoxical spectacle of a despotism, deriving strength from a passion for liberty, and retaining the popular enthusiasm, which had been excited to destroy former equally despotic and more odious institutions; the quiet succession of the restored government to most of the abuses, which constituted the great grievance under the empire; and the romantic cast given to affairs, by the versatility of individual character, which the state of the times had called forth; these are traits in the picture of the last twentyfive years in France, which, under a true liberty of the press, would, in an essay by M. de Sismondi, have been displayed in the strongest, and most eloquent forms of illustration and contrast. Half the power, with which he rules among the Colonnas and Barbarinis, the di' Medici and the Viscontis, would have set before us a very different array of facts and reflections, from that which he has given us, under the head of France.

If it seem unreasonable to quarrel with him for not speaking out boldly, of what has passed in his own country, inasmuch as it is unreasonable to find fault with any man, for the defects and misfortunes of the situation, in which he is placed, we may at least murmur at his indulging in statements nominally true, but substantially unfounded. M. de Sismondi first admits, that during the last twentyfive years in France, and he means in the latter portion of that period, 'morality has suffered by the progress of hypocrisy and venality; knowledge, by the opposition which has been made to the best mode of public instruction; and liberty, by the encroachments, which it is *unnecessary* to recapitulate here.' After this concession, he puts in the other scale what France has gained 'in the progress of prosperity;' and then concludes thus; 'lastly, by way of compensation for the part of her rights, which she has lost, France is in possession of the LIBERTY OF THE PRESS. This valuable privilege secures the empire of thought and of elevated sentiments, and is, consequently, the most powerful engine towards the improvement of the human race.' We can scarce conceive it possible that a keen, sagacious reasoner, and a lover of liberty, can talk of the compensation a nation can receive for a part of its lost rights. There is no such compensation; there never can be. M. de Sismondi does not

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regard man as a part of the animal stock of the country, which needs for the improvement of its condition only to be well pastured and well stalled; to be safely tied up to good provender. He places political welfare 'in the empire of thought and of elevated sentiments.' What compensation, then, can he even conceive for the smallest right wrested or abridged, by the power of the government? Does not a state of things, where some rights can be thus taken away, imply the insecurity of all? Does it not make the word *right* a mockery, and put the liberty of the people on the old footing of sufferance; a footing, which may be enlarged by a good natured prince and a skilful cabinet, because it can be contracted whenever circumstances or views of policy change? Above all, is it not somewhat incongruous to boast of the liberty of the press, in the very paragraph, in which M. de Sismondi finds it *unnecessary*, (that is, *unsafe*,) to point out the encroachments on liberty, which he says have taken place?

We can inform M. de Sismondi that, in the true theory, nay, in the practice of our own country, and to a considerable degree of England, one systematic encroachment on liberty would be regarded by the people, as the forfeiture of their entire birthright. It may sound like trite declamation,—here it is so, but in France it seems even the *liberals* have not got so far; that the value of liberty consists not in the results, but in results as effected by the means. We do not want to be bayoneted into comfort. At the *Theatre François*, the immense throng of persons crowding for tickets is marshaled by the *Gendarmerie* into a regular *cue*, which reaches a quarter of a mile. This example is a fair test of our principle. This arrangement is convenient, it is equitable, it is comfortable. But we presume the people of England, we are sure the people of America, would, if necessary, expend the last drop of their blood, rather than have this comfort forced upon them; although if it could incidentally be brought about, or certainly if their own General Court or Congress, after thorough discussion, adopted the measure, it would go very quietly into operation. When Madam de Stael, combining the sagacity of a statesman, with the dexterity of a courtier, and the grace of a French woman, told Alexander that his character was a constitution

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to his people, the Emperor replied, and a more sensible reply was never made, that if it were so, he was only a happy accident to his people. This reply comprehends the whole theory of the vicious effects of despotic government; that is, of a government not springing from the people and directly reverting to them. In Turkey, in China, in Russia, the disguise may be a little thinner; in Prussia, in France, a little more studiously worn; but the principle, that the people are to hold the means of improvement by sufferance, and as a gift, is the same in all; and this principle is fatal to freedom. It is in vain to rail against the abuses of popular government; the excesses of an excited infuriated mob. What violence can the mob do to liberty, to be compared with that most terrific form of a mob, a standing army? It seems to be forgotten, that its materials are the same; or if there be any difference, that the standing army is made up of the more needy, thriftless, and desperate. In the form of a mob, it is indeed terrific, a perfect image of horror, a political tornado, uprooting, overturning, and crushing all in its path. But it wants organisation, permanence, resource, and recognised political existence. The paid, the uniformed, the disciplined mob bursts open no prisons, and sets no cities on fire; but in its very nature it is incompatible with liberty. It is every way a curse; more fatal where it protects than when it oppresses.

Did we intend to go into an analysis of M. de Sismondi's pamphlet, we should object to his account of Germany, of which he says, 'henceforth there are no rights in any manner established, and Germany has ceased to be a nation. Nothing is now to be found there, but princes, more or less weak or powerful, and more or less trembling on their thrones before their subjects or neighbors. The ancient country of war and politics has no longer any weight in the balance of Europe.' These must surely have been sentences, which dropped from the pen, while the printer's messenger was hurrying at the elbow. They appear to be destitute of meaning, or possess it only for the purpose of self contradiction. The Germany, of which M. de Sismondi speaks, includes Prussia and Austria. Have these no weight in the balance of Europe? We see not why 'the ancient country

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of war and politics,' must be said to have lost a particle of its weight in the general scale. It never was organised into one efficient mass, but it never was so much consolidated as now. The negociations of two cabinets are now sufficient to launch the whole disposable force of Germany, from the sands of Westphalia to the foot of the Carpathians, on any designated object. But again, M. de Sismondi sees in Germany nothing but princes more or less powerful, and more or less trembling on their thrones, before their subjects or their neighbors. That there is no great danger of the subjugation of any German state to an extra-Germanic power, we think we need not urge. Russia, of course, is the only state to be feared; and though Russia may well be admitted to be a state, capable of becoming formidable to almost all others, yet the danger is not so near, not so definite, not so distinctly in the train of events, that it is a subject of practical apprehension. We do not believe, that the Prince of the Lippe, nor Henry the Sixtyfifth, of Reuss-Gratz, though their dominions may extend some ten miles in length, entertains the least fear of the Russian peace establishment of eight hundred thousand bayonets. Before they could suffer, the Elbe must be crossed, Bohemia traversed, Berlin and Vienna occupied, France and England overawed. Were Alexander a Napoleon, we admit all this might be compassed. But being not a Napoleon, a series of events, such as we have intimated, is plainly not written in that chapter of accidents, to which his imperial majesty compares himself.

But the German princes, says M. de Sismondi, are more or less trembling on their thrones before their subjects. We fear, at this moment, in the words of a personage of great, but evanescent notoriety, that 'it is rather less than more.' But we grant, or rather we maintain, that the battle is not yet fought out in Germany. Liberty is not put down; the princes do still tremble on their thrones, as their subjects reason upon Constitutions and representative government. The last newspaper we have inspected tells us, that M. Von Humboldt is called to the head of affairs in Prussia. The report may not be well founded, but the cause of arbitrary principles received a shock, in the death of Prince Hardenberg, which it has never recovered in Germany; and even to have his place vacant, (and it has never been filled,) is at

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least a prosperous 'accident' to Europe. Austria, or rather Prince Metternich, still holds out; he is probably more than any other individual the Atlas, on whose shoulders the policy of the Holy Alliance rests. Indefatigable, most skilful in the choice of instruments, dexterous to a miracle, plausible, and in his temper not unamiable, the fate of Germany is, in no slight degree, dependant on what may befal the Most Excellent Charles Venceslaus Lothario Metternich Winneburg Ochsenhausen. Whenever this very short named personage may cease to fill his place, of dictator in the Austrian councils, the example of Prussia, in the case of Prince Hardenberg, shows that it is not probable, that any successor will be raised to the same degree of power. At all events, we do by no means regard Germany in the disastrous light, in which it is surveyed by M. de Sismondi. He says, in comparing it with France, 'that France made her own revolutions, while Germany only yielded to foreign impulses.' It is not very prudent, in so complicated a train of events, as is furnished by the history of Europe for the last twentyfive years, to ascribe too much exclusively to any one agent. But of the most important revolution in France, that by which Napoleon was overthrown and the Bourbons restored, the Germans may, with great justice, be considered the authors,—the authors in the true sense of the word. It was a spontaneous act of the German people, moved, under many different names, by one national spirit, which led to the defection of the Prussian armies in the French service, the occurrence which gave the character to every succeeding event.

We feel no scruple in saying, that we look upon Germany at this moment, as much 'the country of war and politics' as ever. It is true her princes *are* struggling with their subjects. We believe their subjects will prevail. The Germans are a virtuous, deliberating, rather heavy moulded, but, at the same time, an exceedingly resolute, high minded people. They are a well educated and a thinking people. They speculate on all subjects, with a boldness and originality unknown in any other country. Within seventy years, the entire frame of society in that country has been regenerated, not so much by any very favorable single circumstances, as by the internal conspiring operation of the excited intellect of the country. An entire national literature, rich, various,

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peculiar, the native growth of the soil, but cultivated through a range of studies, seldom embraced by the scholars of other countries, has formed itself among them. The pride and spirit of the people have grown up together with this new demonstration of intellectual strength. Political events have consolidated the country, which now, instead of three hundred sovereign princes, that existed in it before the French Revolution, contains but thirtynine or forty; and all but some six or eight, or rather three or four of these, so inconsiderable, as not to form any separate national interest, nor any diversion from the national strength. If we except Austria, and this is indeed a most important and melancholy exception, the whole of Germany is in as hopeful a state, to say the least, as any country can be, where free institutions have not been long and firmly established; and we are strongly inclined to think, that M. de Sismondi, from want of acquaintance with the character of this people, misconceives its relation to Europe, and the part it must yet bear, in the struggles and wars of liberty.

Did time admit, we might make a few remarks on the subject of Italy, which our author mentions among those, where the good cause has retrograded within twentyfive years. But if we once admit the fact, that the progress of human improvement, particularly that which consists in throwing off dangerous and antiquated abuses, is generally *per saltum*, effected by daring and heroic struggles, after periods of acquiescence, and with intervals of torpor, exhaustion, or preparation, it might not be difficult to prove, that Italy has upon the whole moved onward. Italy was in a frightful state, when the Venetian Republic was dissolved. The overthrow of that power could be considered as no disaster to the country; and if the erection of the Lombardo-Venetian kingdom should have the effect of combining the spirit of the Italians, into one well concerted sentiment of resistance, it will have been, at least, a great public benefit. The great calamity of Italy, as of Germany, has been the severance of the members of that beautiful country, into rival and hostile states. The Austrian chains, which bind them together, produce the benefit of union in one cause, though that is a suffering cause. No matter where the union begins, it is better than the want of union. We perceive in the secret

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societies, which have grown up in Italy, by the operation of oppressive governments foreign and domestic, the self remedying effect of political evil. The enterprise, patriotism, and resolution of men, in every part of Italy, have been associated to resist the despotism, which was spreading, and crushing the country. There, as in our own America at the epoch of the Revolution, the maxim has been, 'when bad men combine, good men must unite.' The Venetian, the Tuscan, the Neapolitan, and the Milanese, men who never acted before in union, since the *social war*, have been drawn into close and intimate correspondence; have formed ties of brotherhood, which exile has endeared, and blood has consecrated. Whosoever thinks that this is to be without effect, forgets the mode, in which our own independence was brought about. Even the present aspect of things there is not as dreary as it was two years ago. The new Grand Duke of Tuscany declares his resolution to act independently of the cabinet of Vienna, and the new king of Naples urges the withdrawing of the Austrian troops. If the present prospects in Greece are realised, and the appearances of a revived trade on the eastern and southern shores of the Mediterranean should be fulfilled, Italy is in a condition not to lose a moment in receiving the impulse from these events, and in rising to some very important point in the scale of Europe.

We agree entirely with M. de Sismondi in his remarks on the state of Spain, a nation by which the sympathy of mankind has been more egregiously duped than by the Italians, or the French, or any other people, that ever raised a false and deceptive cry for freedom. If we do not mistake the signs of the times, the great reaction, which is impending in Europe, will commence with Spain. And as the rival interests of the great powers will not permit the partition of her continental possessions, these must, of course, sink down into a true barbarism, of which it is not easy to predict the fate. The colonial possessions of the country are nearly all gone. Two or three years will give the rest, the Phillipines probably to the English, and Cuba and Porto Rico to the Colombians; unless our government should imitate the recent example of the English, and institute reprisals for the royal and piratical depredations on our commerce, in which case Cuba would follow the fortunes of Florida. An accession of

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extra-continental territory is, however, not to be coveted by us; and it might be the safest policy for the United States to confine themselves, in the event of a recourse to coercion, to assisting the free states at the south of us, in revolutionising the islands. In whatever way the event is brought about, it will, no doubt, very shortly take place.

Having proposed to ourselves to make but a very few remarks, we shall not follow M. de Sismondi through the remainder of his pamphlet. His observations on England, Russia, Greece, and America, are all animated, many of them judicious, and a few profound. The author entertains rational, but elevated and generous views of the career, which appears to be opening on man; and has touched some of the topics, which the prospect suggests, with a discriminating pen. It is indeed almost time, that our political systems were rewritten; and though the liberty of the press, essential to that undertaking, exists only in England and America, yet the continental writers on the liberal side, under the pressure of the constraint to which they are subject, occasionally burst out with a condensed and passionate utterance of truth, a sort of political second sight, the indignant and desperate result of an oppression, which astonishes us by its decision and power. It is hard for our American and English statesmen to work themselves up to the enthusiasm, which befits the aspect of the age. We are too happy, too prosperous, too busy; doing too much to speculate on the whole combined effort, which is making in the free countries, or those who are striving to be so. We are in the procession, crowding, striding intently on; but it is only those, who are doomed to stand aloof, to drop behind the age, and linger on the old wastes, who can fully mark the length, the multitude, the grand array of the triumph; who can see it passing from region to region, winding along the heights of cloud capt mountains, descending like an inundation upon the bosom of the rivers, and compassing new continents in its march. And we may well hope, that on them the great example will not be lost; that they will start up and emulate the career which they witness.

Whether the present political struggle will be confined to the nations where it is now waged, or will extend to others, who give, at present, little hope of entering into it, one thing

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is certain, that nations are growing too strong to be governed after the old forms. The economists tell us, that the improvements of machinery in England have produced, in that country, an accession to the laboring power, equivalent to some two or three hundred millions of men. For all the purposes of industry, then, this is the population of England. Were the capital, which puts this machinery in motion, equally divided, this, for nearly all the purposes of political action, would also be the population of the country. And even with the existing enormously unequal division of property, the immense accession to the power and resource of the citizens forms a new element of uncalculated importance, in the social system. Steam engines and spinning jennies, indeed, cannot speak, vote, and clamor for rights; but the men who own them, the men whose industry is associated with their operation, speak, and vote, and clamor, to much greater effect; and the mere power of the government, as far as it is independent of the will of the people, is diminished in equal proportion. We are told the English machinery carried that country through the war with Napoleon and his system. In a good degree it did so; and by parity of reason, it will carry the people through the less violent and bloody, but more momentous war, waging against political abuses. A people, moving with the energy of three hundred millions of working arms, cannot be kept organised in the old way.

The operation of our example is then to come in. We will apply it still to the English nation. They read in almost every newspaper, that crosses the Atlantic from this country, of some convention to amend a constitution. The delegates of the people meet, deliberate, amend the constitution, or pronounce that it needs no amendment, and go home. No estates are pillaged, no alarm is created, no blood is shed. Again, they boast in England that they have a representative government; that one, and that the strongest branch of the legislature, is elected by the people. In practice, indeed, they know that the smaller part of the people has a voice in the election; and that the larger portion of the House of Commons owe their seats to indirect or corrupt means. They look again across the Atlantic; they find this vast country divided into sections, equal in population, sending each its representative to the national councils. Are

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these examples to have no effect? What is to hinder the people of England from calling a convention; from meeting in convention; from amending the constitution, in convention; from districting the country into parliamentary districts, in convention? They are not fit for such a government, you say. We reply, no change in the government is proposed. If the English people give, in fact, that sanction, which is now supposed to be given, in theory, to their present system, it will go on. If they will not sanction it, they are fit for the change, and they will have the change. They ought to have it. The government party in England do not rest their cause on the ground, that England is not ripe for giving every man a vote, but on the ground that things are best as they are; that a government, as now organised, of king, lords, and commons, is best in itself. This, we in America do not believe; this, nobody in England believes, but those kings, lords, and *soi disant* commons, who are parties to the controversy. They are a numerical minority, the commons being falsely so called. They are a physical minority, and an intellectual minority. At present they seem to possess the greater part of the wealth of the country, and by this they subsist. As much of this wealth rests on the faith, by which the national debt is supported, it could stand the first day of a serious awakening in the nation; and there is really, therefore, no strong obstacle to oppose the reorganisation of England, on purely popular and republican principles. This done, an intimate cooperation with us would follow, and in the general result, it is not too much to say, not only that Europe would be regenerated, but that the empire of civilisation might again be pushed into Africa and Asia.

ART. VII.—*Journal of a Residence and Travels in Colombia, during the Years* 1823 *and* 1824. By CAPTAIN CHARLES STUART COCHRANE, of the Royal Navy. 2 Vols. 8vo. London. 1825.

THE progress of South America in the career of revolution, independence, and liberty, is among the remarkable phe-

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nomena of the present age, and supplies a page in the history of man, rich with facts of high and novel import, from which the wise and benevolent may receive equal instruction and pleasure. The enlightened statesman will find his brightest anticipations more than realised, and the friend of human kind will contemplate with delight, a march of improvement in the social, intellectual, and political condition of his race, which no records of previous history have taught him to expect. A tyranny so shameless in its aggressions on the rights of man, so iniquitous and selfish in its motives, and so desolating in its action, as that whose iron arm was stretched over Spanish America, from the bloody era of the conquest down to the beginning of the present century, has never been known at any period of the world, whether civilised or barbarous. Chateaubriand spoke without metaphor, when he said, that 'for every dollar spent in Europe, tears of blood flow in the abysses of the earth in America.' That the day should arrive, when such oppression would be resisted, and a just retribution fall on the heads of the oppressors, was to be expected, but that the struggles of the sufferers should be crowned with successes so speedy and permanent, was more than the most sanguine could have ventured to predict, or even hope.

Within the short space of fifteen years, all Spanish America has shaken off the chains of its servitude, and new and independent governments have been established. The countries, which have respectively instituted separate governments of their own, are Mexico, Guatamala, Colombia, Peru, Chile, and Buenos Ayres. Nature seems to have marked out these divisions, and it is most likely that they will for the present at least remain fixed. Brazil enjoys a sort of anomalous independence, having dissolved its connexion with the old dynasty of Portugal, and set up a government of its own, under a constitution, and the new emperor Don Pedro, who, in his proclamation to the Brazilians published a year ago, bravely bid defiance to the 'Jacobinical and Machiavellian Cortes of Portugal.' This is of course a temporary state of things. The atmosphere of America is not one, which can ever be breathed freely by kings and emperors; crowns will not sit lightly here, and the fate of Iturbide should be a warning to all, who are ambitious of so hazardous a distinction. The experi-

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ment of the last fifteen years, which was begun indeed fifty years ago by the United States, has solved to a demonstration the great problem in politics, respecting the capability of men in a given state of society to govern themselves. Aloof from the governments of the old world, and too remote to be encumbered and crushed by the officious aid of a Holy Alliance, or a jealous neighbor, the South Americans have fought their way to independence; and, notwithstanding they were just emerging from a state of pupilage and degradation, so feelingly described by Bolivar, in his excellent speech at the opening of the Congress of Cúcuta, they have nevertheless shown themselves adequate to every exigency. Wisdom has prevailed in their deliberations, and they have been firm, prompt, and persevering in action. Reverses have only roused them to new and more vigorous efforts, and experience has taught them lessons, by which they have not disdained to be instructed and guided.

We do not mean to say, that there have not been civil commotions, tumults, and factions, errors of judgment on one part, and want of principle on another, contests of ambition, interest, passion, ignorance; all these have shown themselves perpetually, and in various forms, and it is no wonder that they should; but it may be affirmed, that the spirit of justice, intelligence, and virtue has triumphed, and it must moreover be allowed, that the praise of the triumph is in proportion to the obstacles encountered and overcome. In some of the republics there will doubtless be further changes, and perhaps civil discords, but the Rubicon is passed, the conflict between despotism and liberty is at an end. Disputes concerning the safest depositories of power, and the best machinery of government, will arise, constitutions will require to be amended to suit the growing intelligence of the people, and improvement of society. Such differences, when confined to discussions, or even to sharp collisions of party, will do good, by quickening the spirit of inquiry, and diffusing a knowledge of political science. The recent able articles in the *Nacional*, published at Buenos Ayres, going into a full examination of the principles of a new constitution proposed for the government, cannot fail to exercise an important influence in preparing the minds of the people for a salutary change The freedom, and even warmth, with which all

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kinds of political topics have been discussed in the papers of Bogotá and Caracas, has no doubt contributed very much to the successful establishment of the constitution and laws of Colombia. Who knows how much we are indebted to the essays of the Federalist, and the newspaper wars of that day, for our own Union and the adoption of the constitution? The light elicited by these contests of intellect and opinion, enabled the people gradually to distinguish sound principles from false, and prepared them to incline to the better side. We look for the same results, although by a slower process, in the rising states of South America.

The Republic of Colombia has succeeded in attaining a better organisation, than any other of the new states, and, both from the comparative stability of its government, and its great commercial importance, it holds out many objects of interest to the rest of the world. The public seems in a fair way to be fully informed of everything pertaining to this country. Four books of travels in Colombia, and some of them of respectable dimensions, have been published within the last year, three in London, and one in Paris. Our readers must not imagine, however, that the love of adventure, which operates with a charm so magical and resistless on many minds, which carried Ledyard from one end of the world to the other, and hurried Park to an untimely grave in the heart of Africa, has been the ruling motive with all these travellers; nor that, like Thales, Solon, Plato, and other sages of antiquity, they wandered abroad to study the laws, and gather up the fruits of the wisdom and knowledge of other countries. Our adventurers went not out in pursuit of shadowy things like these, but were mainly bent on the more substantial objects of mercantile enterprise and speculation. The Frenchman, M. Mollien, ought perhaps to be excepted from this remark, for it does not appear from his book,* that he had any other motive, than to please himself, and go home and tell what he had seen.

Captain Charles Stuart Cochrane, of the Royal Navy, informs us in his preface, that he visited Colombia with the view of securing an exclusive privilege for the pearl fishery, having previously devised certain 'new expedients,' by which

* Voyage dans la République de Colombia, en 1822 et 1823; par G. Mollien. Paris, 1824.

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the divers might be protected from the sharks and other voracious fishes, which infest the seas in those parts, where the pearls are to be found. After obtaining from the Admiralty leave of absence for two years, he sailed for the West Indies, and at length landed on Terra Firma at Laguayra. He made a short excursion to Caracas, thence returned to Laguayra, and sailed to Santa Martha, ascended the river Magdalena in a boat to Honda, from which place he passed up by land to Bogotá, the capital of Colombia. On his return he crossed the Andes at Ibagué, Cartago, and Novita to the head of the river Atrato, which he descended to the bay of Chocó, and thence sailed along the coast to Cartagena and Santa Martha, at which latter place he took passage for Jamaica.

The events of this tour the author dilates into a journal of two thick octavos, without the least apparent compunction for so heavy a draft on the purse and patience of his readers. He has, moreover, adorned his work with pictures drawn after nature, and beautifully colored. One of the most imposing of these is the frontispiece, exhibiting the traveller himself at full length, leaning pensively with his right arm on a mule, and gaudily dressed in what he calls the costume of the country. But although too diffuse, and carrying with it too much of the air of bookmaking, the narrative is not wholly without interest. The author's ill stars lead him into more disasters and hardships, than commonly fall to the lot of travellers, to all of which he contrives to submit with becoming and cheerful resignation. He notes down the results of his observations and experience with spirit and good humor; but few readers, we apprehend, will have the resolution to keep him company to the end of his book, or to follow him through the ambages of his descriptions, without occasional symptoms of weariness.

From Santa Martha, Captain Cochrane went on horseback to Cienega, a distance of about twentyseven miles, from which place there is a water communication to Baranquilla on the Magdalena, where he was to commence his voyage up the river. This short tour was not without its adventures. While fording a small stream, in which the water was breast high to his horse, a *peon*, or native Indian of the country, suddenly made his appearance from a thicket, and accosted

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our traveller and his companion. It was night, and the salutation of the savage was not the more grateful to suspicious ears, by coming on the wings of darkness. *Vaya vm. con Dios*, cried our author, putting his Spanish for once, as he believed, to good use, 'go away, and God be with you.' The obtrusive Indian disappeared, and the travellers soon found themselves in comfortable quarters, at the hospitable mansion of the good curate of Cienega. The next morning they rode about a league to Pueblo Viejo, whence they passed in a canoe to Solidad, near Baranquilla.

At this place they arrived on the 25th of March, and were detained nearly a week on account of the feast days, which happened at that season. Nobody would work during the feast days, in fitting out a boat, and no *bogas*, or boatmen, could be employed. On the third of April the equipage was ready, and no wonder it should take a week even of good working time, and with the labor of all the *bogas* of Baranquilla and Solidad, to prepare it, if it accorded with the following description of a travelling apparatus in Colombia, as given in the author's own words.

'To travel in this country,' says he, 'it is necessary to have a small bedstead, so constructed as to be easily taken to pieces, with a *toldo* or covering of tolerably strong linen or blue check, in order to keep out the musquitoes and small sand flies; the threads of a common musquito net, as used in Barbadoes, not being sufficiently close to prevent the sand flies from entering. These are to be procured at Solidad, though roughly made. Pillows, sheets, and blankets should be brought from Europe, as they are here very dear and bad. The bedstead and toldo cost only fifteen dollars, which is reasonable. I paid rather more, having persuaded the workmen, who are excessively lazy, to work on feast day, to which they are ordinarily very averse. The traveller should likewise procure two or three dresses of Holland sheeting, with feet of the same material, instead of stockings; the jacket loose and buttoned to the throat. The white does not attract the sun, and feels cool and agreeable, is easily washed, and will dry expeditiously by being laid on the toldo. Two straw hats are necessary; the one for lying down in the canoe, the other for various occasions; both should have broad brims. Shoes of strong holland with leather soles are most easy and agreeable to the feet, and a pair of English shooting shoes for landing in the mud. A saddle with holsters is requisite; a sword, dirk, pair of pocket pistols, a hammock to recline in during the day, two good mats, one to lie on in the

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canoe, the other fitted to the sacking of the bed, to prevent the musquitoes from penetrating at night,—are amongst other needful precautions. All wine, tea, coffee, chocolate, sugar, and salt, besides dried beef, hams, tongues, live fowls, eggs, and biscuits, with plenty of *tocino* or cured pork fat for frying eggs, should be laid in at this place, together with a sufficient stock of plantains and dried salt meat for the bogas, who are fed, as well as paid, by the traveller, and who, notwithstanding their abstemiousness at home, devour an astonishing quantity of provisions when living at the expense of others. The requisite cooking utensils are a large copper chocolate pot, a copper vessel for making soup, another for hash and stews, a third flat one for frying eggs, two block tin plates, three dishes, two tin cups for drinking, and a small tin measure for serving spirits to the bogas, who will not work well without a dram each morning of the anise of the country, of which a jar or two must be provided, so as to supply them throughout the journey. Knives, forks, spoons, and small duck table cloths, about a yard square, must not be forgotten.' Vol. I. pp. 86—88.

This is a most formidable array of requisites, and if they are all indeed as essential, as the writer would seem to imply, it is quite evident that a voyage round the globe, whether toward the rising or the setting sun, is a trifling thing compared with an expedition up the Magdalena, in a *toldo* canoe poled by *bogas*. We cannot but think, however, that the author's catalogue of necessaries is much more ample, than any urgency in the case demands. The French *voyageur* above mentioned, who passed up the river from nearly the same place only two months before, makes no such provision for his wants. The work of preparation began in the morning, and by five o'clock, he says, everything was in readiness for his departure,—à cinq heures tous mes effets étaient à bord de ma frêle embarcation. He complains, it is true, that the voyage was tedious and long, *fort pènible et fort longue*, but hints not that his sufferings were in any way increased, by a want of suitable bed furniture, changes of apparel, or cooking utensils. In short, it will appear on this, as well as on other occasions, that our author's ideas of comfort are not precisely those of a man, who had passed many of his days in the midst of nature's solitudes. M. Mollien had sailed on the waters of the Senegal, and slept in the forests of Africa, he had heard the howlings of wild beasts in their native haunts, and had learnt to endure existence as a

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very tolerable boon, even when deprived of many of the luxuries of civilised life.

We at length find Captain Cochrane embarked on the Magdalena with his companion, in a canoe poled by four *bogas*, and another at the stern with a paddle. From the mouth of this river, to the head of boat navigation at Honda, is a distance of about 550 miles. The current is rapid, and a progress of ten leagues in ascending is called a good day's journey. Many necessary delays occur on the way, and the voyage is seldom performed in less than a month. Captain Cochrane had infinite trouble with his *bogas*, some running away, others feigning sickness, and others becoming obstinate and refusing to work. These evils he ascribes to a want of a proper code of laws to govern this class of men, and to the custom of paying them before their departure. He says their number on the banks of the river is nearly ten thousand. Their great place of residence is Monpox, where those taken at the outset are commonly discharged, and others employed for the remainder of the voyage. The elements seemed also to conspire against him; thunder showers were incessant, and he was almost daily drenched in rain; the musquitoes were merciless in their attacks, and heeded not the thick leather dress, which he procured on the way, in addition to his formidable outfit; alligators paid him very unseasonable and unceremonious visits; and venomous serpents lurked in the branches of trees overhanging the river, ready to dart upon an unsuspecting victim. With all these calamities, and many others untold, to worry and detain him, it is no wonder that he was doomed to the lingering passage of fortysix days from Baranquilla to Honda. The more fortunate Frenchman performed the same in less than thirty days.

The author relates several rather marvellous anecdotes about alligators. It is very rare, he says, for them to attack any of the human species, but when one has made the experiment, and tasted human flesh, he becomes ravenous after that food, and is a terror to all those, who dwell in the neighborhood of his haunts. He is then called *cayman bravo*, and the natives feel no security, till they have joined in a body, and made war upon this foe of human life, and accomplished his destruction; much in the same way as the

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good people of Pomfret leagued themselves with General Putnam, to pursue and destroy the famous she wolf, that committed such havoc in the sheep folds of that town and vicinity. The *cayman bravo* frequently amuses himself by lying in a listless posture on the sandy margin of the river, when the natives surround him in a body, armed with muskets and javelins, and commence their attack with such caution and fury, as to overcome the unsuspecting enemy. At other times the alligator is more guarded; seemingly conscious of the hostility existing between him and the human race, he seldom appears on the beach, but seeks for a quiet retreat at the bottom of the river. The natives pursue him even here, and their mode of operation is thus described by the author. 'They select an opportunity when the water is clear, and drop quietly down the river, until they arrive over the spot where the alligator lies, when one of the boldest and most experienced divers leaves the canoe, with a *laso* in his hand, dives to the bottom, places himself by his side, and tickles him under his throat, which causes him to lift his head without opening his eyes, at which moment the diver slips the noose over his head, and instantly reascends to the surface. No sooner does he appear, than the noose is hawled taught, and the end is handed on shore; the whole party land, and the moment the animal is thus brought to the water's edge, they despatch him with firearms, and javelins, called by them *matteculebras*.' It is proper to add, that the author did not see this exploit performed, although he had the account from such sources, that he considers it entitled to implicit credit.

The food of the alligators is chiefly fish, but they devour water fowl, and have a treacherous practice of seizing their victims, 'by rising suddenly under them and pulling them down by the legs.' This reminds us of the Chinese mode of catching ducks, mentioned by Buffon. The duck catcher ascertains a place, in a small lake or still creek, where a flock is in the habit of swimming apparently for amusement, an hour or two each day. In this place he sets afloat several calabashes, or gourds, the company of which on their first return the ducks do not seem to relish; but seeing no harm done, their shyness gradually wears off, and at length they swim among the calabashes with perfect unconcern. When

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this degree of familiarity is attained, the duck catcher puts a large calabash over his head, with holes for his eyes, and wades gently into the water, with his head only above the surface, till he finds himself in the midst of the ducks, when he commences the same ungracious mode of assault as the alligators, and continues to draw them under water by the legs, till he can secure no more to the girdle fastened for the purpose around his waist. The next day he resorts again to the same stratagem, and with similar success.

But we should never come to an end, if we were to dilate on all the particulars of our author's eventful voyage up the Magdalena. As Honda is the head of navigation, through which all imported goods, that are brought up the river, pass to the capital, it has a custom house. At this place, also, it is usual for travellers to sell their canoe, or *champan*, to merchants for freight down the river. The country around the town is picturesque and beautiful, and the distant view is terminated by lofty mountains. Honda is somewhat more than sixty miles from Bogotá, and the mode of travelling is on mules, over a broken road, and at times through a fertile and cultivated country.

After setting us safely down in the capital of Colombia, the author comes no more to our notice for a long time, but betakes himself in earnest to writing a history of the new Republic. This is comprised in four chapters of his work, and constitutes nearly two thirds of the first volume. It is loosely written, but is perhaps as good a historical account as any within the same compass, and coming down to the present time. We allow it this praise, however, mainly on the consideration of its being almost a literal transcript from a valuable work entitled, *Outline of the Revolution in Spanish America*, published in 1817. Down to that period, Captain Cochrane has condescended to copy this work, without venturing to deviate often from the precise language of his original. So far his judgment may be commended, and it would have been creditable to his candor, if he had anywhere hinted to his readers, that he was exhibiting himself to them in a borrowed garb. This he has not done, and we leave him to settle the charge of egregious plagiarism with the publishers of the work, from which he has pillaged so bountifully. This *Outline* may be looked upon, as a book of

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authority, respecting the revolutionary history of South America, till the date of its publication. The materials were supplied by intelligent South Americans, then resident in London, and they are put together with literary skill and judgment. For the last eight years there is no good history of South American affairs. The compilations that have been made by travellers are meagre, disconnected, and frequently inaccurate. The work published in London, two years and a half ago, entitled *Colombia*, in two cumbersome octavo volumes, seems to have been designed to promote certain commercial projects, connected in some way with Mr Zea's loan, and cannot be regarded as authority, any farther than it professes to be indebted to authors of known credit. The geographical, statistical, and commercial accounts are chiefly taken from Depons and Humboldt; the history is transcribed from the 'Outline,' to the year 1817, and afterwards hastily collected from the common sources. The volumes contain several important and interesting public documents. There are some well written notices of revolutionary events in the *Biblioteca Americana*, recently published in London. Mr Restrepo, the present able and learned secretary of the Home Department in Colombia, is understood to be engaged in writing a history of the revolution. From his known ability, his zeal in the cause, and his perfect acquaintance with the subject, high expectations may justly be entertained of the success of his undertaking.*

The Republic of Colombia is composed of the countries formerly known, as the captain generalcy of Venezuela, and the viceroyalty of New Granada. Its extent from the mouth of the Orinoco, to the western extremity of Panamá, in a direct line, is somewhat more than 1300 miles; and from Cape Vela on the north, to the southern limits of Quito on the south, it is about 1100 miles. By an estimate founded on Humboldt's astronomical observations, Venezuela contained 48,000 square leagues, and New Granada, including

* Mr Restrepo's Reports to Congress concerning the internal state of Colombia, and particularly that of 1823, are documents of great value, evincing not more an intimate knowledge of the internal relations, wants, and prospects of his country, than a general enlargement and cultivation of mind. There is a valuable article written by him, entitled *Descripcion de la Provincia de Antioquia*, and contained in the second volume of the *Seminario del Nuevo Reyno de Granada*, printed at Bogotá, in the year 1809.

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Quito, 65,000. According to this estimate the present superficies of Colombia, exclusive of Panamá, is 1,017,000 square miles, being twelve times larger than the Island of Great Britain, and about the dimensions of the whole territory of the United States east of the Mississippi. It is bounded on the north and east by the Carribean sea and the Atlantic ocean, on the south by the Brazils and Peru, and on the west by the Pacific and the new republic of Guatamala. Reckoning from the mouth of the Orinoco to the Isthmus of Darien on the Atlantic side, and from Panamá to the borders of Peru on the Pacific, it will be found that Colombia has a seacoast of little less than 3000 miles in extent. When we consider the central position of this country, in regard to other parts of the American continent, and also to Europe and Asia; when we take into view its geographical features, its large and numerous rivers, its varied soil and climate, its mountains, and forests, and luxuriant valleys, its products and natural resources, its pearl fisheries and rich mines; when we look at these immense advantages, enjoyed under a free government suited to convert them all to their proper ends, and to ensure a perpetually increasing prosperity, we cannot but be impressed with the grandeur to which it must ultimately arise, and the elevated rank it is destined to hold in the family of nations.

The present government of Colombia is founded on principles, nearly resembling those of our own constitution. It is a representative system, having a Congress of two Houses, and an elective President. It differs in two important respects from the fundamental principles of the constitution of the United States; the first is in regard to the mode of elections, and the second in the administration of government in the *departments*, or what we should call the states. The right of suffrage is somewhat curtailed, by making it necessary for every voter to possess a small amount of property, or to exercise some trade, or liberal profession. The people do not vote in the first instance for representatives, but for electors, by whom the senators and representatives are chosen. By a law of Congress passed June 25th, 1824, the Republic is divided into 12 departments, embracing 37 provinces, and 230 cantons. These cantons are further subdivided into pa-

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rishes, each of which holds what is called a parochial assembly on a stated day, once in four years, and at these assemblies the electors are chosen by the persons duly qualified to be voters. A representative to congress is assigned to a population of 30,000, and also each *province* is entitled to another representative, when there is a fraction of more than 15,000. The number of electors for each representative is 10, and if the population of the Republic be taken at 2,600,000, which is thought a fair estimate, the whole number of electors will not be less than 860. The number of representatives would accordingly be 86. But in fact both the electors and representatives exceed these numbers, because in case of an additional representative for a fraction, there is a full number of electors, for each fraction, although a less amount of population. On this new division of the Republic, it is supposed the number of representatives will be 95. The senate is established by the constitution to consist of 4 senators from each department, making 48 in the whole. These electors meet once in four years, in the capitals of their respective provinces, and execute the very important duty of choosing on the same day, the President of the Republic, the Vice President, the Senators, and Representatives. The votes are sent up to the congress, where they are scrutinised in the manner pointed out by the constitution. The President and Vice President are elected for four years, and no person can be chosen president more than twice in succession. The representatives are chosen for four years, and the senators for eight. The term of office for one half of the Senate expires at the end of every fourth year, so that only two senators from each department are chosen at the periodical elections.

But the most remarkable deviation in the constitution of Colombia from that of the United States, is the feature by which the government is made a *central*, instead of a *federative* system. The *Departments* exercise no functions of government within themselves, but are under the control of an Intendant, who is nominated by the president; and the *Provinces* are likewise subject to governors appointed in the same way. The powers of these officers are prescribed by the laws of congress, and the same laws apply to all the departments, provinces, and cantons. This was a favorite

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project with Bolivar, and it was undoubtedly a wise one, under the circumstances in which the new constitution was adopted. In the year 1811, delegates from the provinces of Venezuela, namely, Margarita, Merida, Cumaná, Varinas, Barcelona, Truxillo, and Caracas, assembled in a general congress at Caracas, declared their independence, and on the 21st of December of that year, ratified a constitution, which was designed to bind them together in a confederacy, bearing a close resemblance to that of the United States. In that state of civil discord, and external hostility, the plan did not succeed. The provinces, which were ravaged or threatened by the enemy, were obliged to look to their own safety, and turn all their resources into channels for their own protection. The consequence was, that the general congress had neither power nor resources to execute its measures for the defence of the union; it became an inefficient body, and was at length dissolved. A military government succeeded, which at last centred in Bolivar as dictator, and it was not till 1819, after a series of almost unparalleled struggles in the fields of war and death, that the people had leisure to think of reforming their civil institutions.

A congress was assembled at Angostura, in Venezuela, where, on the 17th of December, of the last mentioned year, the fundamental law was published, which united Venezuela and New Granada into one state, to be denominated the *Republic of Colombia*. A committee was appointed to draft a constitution, which was adopted on the 30th of August, 1821, by the general congress assembled at Rosario de Cúcuta, and is the same which has been in operation till the present time. Its proudest eulogy is, perhaps, that for the space of four years, the government has been administered under it with great firmness and regularity, and with the present prospect of entire success. The time is not likely to come, when it will have more serious difficulties to encounter, than have already been surmounted. We forbear to remark further at present on the constitution of Colombia, as we intend to embrace an early opportunity to give a brief sketch of its history, its principles, and its practical operation. Considering the institutions that may be expected to grow up under it, and the wide influence it must necessarily have in forming the character of a large and thriving population

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of one of the finest portions of the earth, it becomes a subject worthy of the interest and inquiry of every liberal mind. The great drawback on the favorable action of any constitution in South America, is the existence of the laws of old Spain, fitted only to be instruments of degradation and imbecility, but which are so closely entwined with the character and feelings of the people, that any violent attempts to eradicate their influence would be equally dangerous and ineffectual. They must be removed gently, and by a succession of new statutes wisely adapted to the purpose, and cautiously administered. The Colombians date their independence from the declaration at Caracas, in 1811, to which we have above alluded. The names of the twelve departments, into which the republic is divided, are the following, Orinoco, Venezuela, Apure, Zulia, Boyacá, Cundinamarca, Magdalena, Cauca, Istmo, Escuador, Asuay, Guayaquil. At the Congress of Cúcuta it was decided, that Bogotá should be the capital of the republic, and the place of the future assembling of congress, till a new town should be built for the purpose, and named *Bolivar*.

Our readers will doubtless be pleased with Captain Cochrane's description of the Congress Halls of Bogotá, and of some of the distinguished personages, who have made a figure in Colombian history, and are now at the head of government.

'The meetings of the Senate,' says he 'are held in a long, but narrow and low hall, in the monastery of St Domingo; the centre is railed off for the members, extending from each side of the President's chair, in straight lines to the foot of the room, where the railing forms a horse shoe, leaving only sufficient space in most parts, for one row of spectators. At the head of the room, on a platform raised about three feet, is placed the President's chair, a fine, stately, ornamented piece of furniture, covered with crimson and gold. In front is a table, ornamented with crimson-velvet, handsomely trimmed with gold lace, and a cushion of the same, with rich tassels; the steps leading to the chair are likewise covered with a cloth of crimson and gold. Over head is a canopy, decorated with silk hangings, and the arms of the republic fixed in front; the whole having a handsome appearance. From the foot of the platform extend two rows of chairs, for the use of the senators, gilt on the inside of the backs, and having the republican arms, and motto *Ser libre o morir*, 'to be free or die.' There are

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also several small tables for papers to lie on, or affording materials and means for writing. About half way down on the left of the President, are the secretary's chair and table, with all the various papers to be read on each day. The room is white-washed, and allegorical figures in watercolors embellish the walls, representing Liberty, Justice, Plenty, &c. &c; and on the right of the President, is a portrait of Bolivar, placed there by order of the congress.

'In the evening, the hall is lighted by lamps hung down the centre of the room. The President has a pair of silver candlesticks; and any member that wishes may have candles on his small table; but with all this, the hall requires to be better lighted, in order to produce greater effect.

'The senators are tolerably punctual in attendance, and when the President observes that a sufficient number have assembled, he rings a small bell, silence ensues, he mounts his chair, and the senators take their seats. There are no prayers, as in our English House of Commons, which is remarkable in a Roman Catholic country.

'The President desires the secretary to read over the transactions of the previous day, on which casual observations are made, and any requisite amendments or alterations adopted. This done, any matters declared urgent are read, introduced and discussed; after which the business for the day, as it stands on the list, is read and commented on.'—

'There are two parties in the House, which is not the case in the Senate. They have obtained the names of the Mountain party, and the Valley party. The former, so named from being returned to serve in congress from the mountainous district, are chiefly priests, several of whom have been named according to the spot they come from; such as Chimborazo, Cotopaxi, &c. &c; and some of these names have not fallen badly on the individuals so designated. This is the smallest, but most illiberal party, and indeed carries no weight in the chamber. The liberal, or Valley party, so named from coming from the lower districts, is numerous, and not without priests, some of whom are men whose liberal sentiments would do honor to any country.

'There are some good speakers, but, taken as a whole, by no means equal to the Senate. I cannot forbear expressing my admiration at the general decorum observed in both houses. A stranger would never suppose that this was the *first* constitutional congress, everything being so very well, and orderly conducted, as to reflect the highest credit on the nation; thus holding out a convincing proof to the world of what they will some day become.'

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The author next takes us to pay his respects to the heads of the departments, concerning whom he speaks in the following language.

'After mass [on Sunday] it is customary to pay a visit to the Vice-President, who holds a levee on this day, from twelve till two o'clock. There is no servant in attendance to announce you; you merely walk up to the general, bow, and retire to the nearest vacant seat; conversation then becomes general, easy, and unembarrassed. The Vice-President, General Santander, is above the middle height, strongly made, of a dark complexion, with penetrating black eyes; he wears his hair very long, which, together with large whiskers and mustachios, gives him rather a stern appearance, though I have heard him mentioned in his military and public life as an agreeable man; he is generally dressed in uniform, and sometimes appears in a sky-blue surtout, embroidered like a French marshal's dress-coat; he is an intelligent man, has a great deal of natural acuteness, and is particularly sedulous in his attention to the business of the state—in diplomatic writing he is said to shine.

'General Francisco de Paulo Santander was born at Cúcuta, and educated at the college of Bogotá for the profession of the law, which he left to become a subaltern in the patriotic army of New Grenada; and afterwards made one of the few Grenadians who followed Bolivar to the plains of Venezuela, in his fallen fortunes, when Morillo possessed himself of the kingdom of New Grenada.

'His mother and sister (the latter now the wife of Colonel Briceno) remained in Bogotá, and on account of their patriotism were in very straitened circumstances, but were still enabled to give, from time to time, very important information to Santander, respecting the state of the kingdom. On the approach of the Patriots, they, becoming suspected, were obliged almost literally to bury themselves alive, to escape the fury of that horrible monster, the Viceroy Santano. From this state they were only released, by the entrance of the patriots, just in time for the son to receive the last breath of his patriotic mother, who had contracted an incurable disease from the dampness of her hiding place, and who declared that she was happy in having lived long enough to see her country free!

'At the close of the successful campaign of 1819, General Santander was promoted to the rank of General of Division, and appointed Vice-President of New Grenada, or Cundinamarca, as it was then called, by General Bolivar, and was afterwards elected Vice-President of Colombia, by the Congress of Cúcuta; both

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which situations, by his talents and conduct, he has proved that he highly merited: and to his unparalleled exertions in supplying Bolivar with resources, under the most difficult circumstances, may be mainly attributed the glorious successes of Carababo and Pichincha,—the one giving liberty to Venezuela, the other freedom to Quito.' Vol. ii. p. 90—93.

After visiting the Vice-President, the rules of etiquette make it necessary to bestow a similar compliment on the secretaries, and some of the chief members of the congress. In compliance with those rules, Captain Cochrane next presented himself to Señor Gual, Secretary for Foreign Affairs.

'He is considered a man of talent, and has seen more of the world than the other ministers, having, I believe, visited Europe, and passed a considerable time in North America. He speaks the English language fluently; appears to have employed the time he spent out of his country to the greatest advantage, and seems perfectly acquainted with the present state of his native land, its resources, and the means by which it may be improved, and rendered prosperous.

'From thence I went to Senor Castillos, the Minister of Finance; he is an elderly man, and has suffered materially, both in body and property, by the revolution. He has read much, and still dedicates much time to reading, notwithstanding his arduous and engrossing duties. He is possessed of extensive knowledge, and an easy flow of language. His house, of an evening, is the general rendezvous of the best informed people, and I have there passed many agreeable evenings, observing the progress of knowledge in this new state, and picturing in my "mind's eye" the pitch of greatness to which it may be eventually elevated.

'My next visit was to Senor Restrepo, Minister of the Home Department, a good-looking, well-educated, polite man, about forty, having the appearance of a gentleman in his dress and deportment. He has suffered much during the revolution, but is now placed in a situation where he is enabled to do much benefit. Even during the government of the Spaniards, he exerted himself greatly in the diffusion of knowledge, and in consequence, was bitterly persecuted on the breaking out of the revolution; for, as increase of knowledge and desire of liberty go hand in hand, it was the policy of the Spaniards to repress all that might have a tendency to expand the mind, or enlighten the intellect, and to launch their vengeance on those persons, the influence of whose superior talent they dreaded, because they knew its power.'—'He is particularly attentive to the duties of his public office, and extremely obliging in all his communications with

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strangers. He is a native of the province of Antioquia, which appears to me, generally speaking, to yield many able and gentlemanly men.

'This visit over, I betook myself to the Minister of War, Colonel Briceno Mendez. His appearance is highly prepossessing; he wears uniform; his dress handsome, without being gaudy; his manners good, and he is naturally anxious to please. He appears well informed, and is particularly attentive to the duties of his arduous post, having the direction of the naval, as well as military department, which, in these turbulent times, is a duty of no small responsibility, and requiring great personal exertion. Vol. ii. p. 93—97.

Colonel Mendez has recently resigned the office of Secretary at War, and General Soublette has been appointed to fill the vacancy.

But the most brilliant star in Colombian history, and indeed in the history of modern revolutions, is Bolivar. To whatever it may be ascribed, whether to accident, singular good fortune, the highest order of personal merit, or to all combined, Bolivar has raised himself to an eminent station in the list of successful heroes, and remarkable men. He was born at Caracas, about the year 1785, and is said to be descended from a family of distinction in that place. As a favor granted to very few of the native youths of South America, he was permitted to finish his studies at Madrid. He afterwards visited different parts of Europe, travelled in Italy, Germany, England, and France, and was on very intimate terms at Paris with Humboldt and Bonpland. He returned to Madrid, where he married the daughter of the Marquis of Ulstariz, and soon departed for his native country. His wife did not survive many years, and he has not been married a second time.

While yet in Europe, he had formed the design of devoting himself to the cause of South American independence, when the course of events should point to a suitable time; and as it happened, he arrived at Venezuela just as the standard of liberty was beginning to be unfurled there by Miranda and his associates. Bolivar was not entirely satisfied, however, with the general system of measures pursued by the patriot party, and he avoided taking any active part. He did not approve the new constitution, which the Congress of Venezuela had adopted at Caracas, and he declined a request to be united with Don Lopez Mendez on a mission to England,

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designed to promote the interests of the government formed on the principles of this constitution.

But the time soon came when he felt it his duty not to be kept inactive by a mere difference of opinion; the constitution, as it is well known, did not succeed; the wars and disasters, which pressed immediately upon its adoption, proved its inefficiency, and dispelled the hopes, which its friends had entertained, of its power to concentrate the interests and the action of a scattered people, suffering under numerous privations, and engrossed with the necessary care of self defence in different parts. Bolivar perceived, that this was not a time to deliberate on theoretical schemes of government; he joined the army under Miranda, and engaged in the contest with a zeal and patriotism, that raised him to a speedy popularity and influence. From that day to this, his history is in the eyes of the world; it has been a succession of splendid achievements, which have gained for his name a merited place on the same tablet with that of Washington. The brightest records of ancient or modern fame have nothing prouder to offer. Time and future events must show, whether this hero of the South will complete the parallel with his illustrious model, which may thus far be run with so much seeming justice.

In some respects Bolivar's ultimate success has been remarkable. He was several times unfortunate in his early career as a soldier, and more than once his enemies in his own country, as well as those from abroad, triumphed over him. But it is one mark of a great mind to rise above defeat, and restore the confidence which ill success has weakened. His ambition has never been too strong for his integrity, and a sincere desire for his country's good. For a considerable period he was supreme dictator, with all the army at his command; but when a calm was in some degree restored, a congress convened, and a favorable prospect seemed to open, of establishing a solid basis of government, he voluntarily yielded up all his power, and insisted on returning to the rank of a private citizen. This was accordingly done, till he was rechosen by the new congress to be commander in chief of the army, under the constitution and the laws. Twice he has by mere accident escaped assassination. In the first instance the dagger, which was intended for him, was plunged into the heart of his secretary, who happened to be sleeping in the hammock usually occupied by himself.

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Energy is the predominant trait of his character. His movements are always prompt, decisive, and rapid, and at the same time directed with so much discretion, that with a force frequently inferior in numbers and discipline to that of the enemy, he has been able to carry through a successful warfare with Morillo, Morales, Monteverde, and other of the most experienced Spanish generals. His generosity has been much praised; he gave his slaves their freedom, and is said to contribute a principal portion of the income of his estate, in affording relief to the widows and children of soldiers, who have lost their lives in battle. As a companion he is social and pleasant, temperate in his habits, abstemious in his diet, and drinks no spirituous liquor. His constitution has suffered by the severe trials, both of body and mind, which he has gone through. His speeches and addresses, which have been published, evince sound and practical views, and adaptation of purpose, rather than depth of thought or great intellectual resources. His celebrated speech at the opening of the Congress at Angostura, we suppose to be his most remarkable effort in this way, and that speech shows at least, that he had studied profoundly the history and principles of various forms of government, and had most seriously at heart the object of establishing that form, which should be best suited to secure the prosperity and happiness of his country.

Besides the persons already mentioned, as having stood in the foreground of Colombian independence, may be added the names of Sucre, Urdaneta, Bermudes, Paez, Montilla, Padilla. For the few hints, which we shall throw out concerning these persons, we shall rely chiefly on the authority of M. Mollien, who speaks from information obtained in the country.

Sucre, who has recently acquired fresh laurels as the hero of Ayachuco, where the great battle was fought that has liberated Peru, is yet hardly thirty years of age. His previous fame rested on the battle of Pitchincha, in Quito, which was also gained by him, and procured for him the station of commandant general for that department. Urdaneta is a native of Santa Fé, and distinguished for his bravery and affable, gentlemanly demeanor. He has been president of the Senate, but is in a declining state of health. Bermudes was born at Cumaná, and has from the beginning of the contest taken a

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very active part for the independence of South America. He is about fifty years of age. Paez, so much known for his valor and the vigorous traits of his character, is a mulatto, and the troops with whom he has accomplished such feats of military prowess, are but half civilized, undisciplined, and of the same color as himself. His influence over his soldiers is surprising; he lives with them on terms of intimacy and equality, shares in their privations, amusements, and exercises, and at the same time, by the high example of his courage, and the native power and firmness of his mind, he commands a perfect respect and obedience.

Montilla formerly served in Spain, and it is said that he looked to the revolution as a means of augmenting his fortune. He resided for some time in this country, and is still recollected in the circles of Philadelphia, as is Señor Gual in those of Baltimore. Montilla is now governor of Cartagena; his influence is extensive, and it is supposed that he looks with no favorable eye on the towering ascendency of Bolivar. He had early differences with Miranda and Bolivar, which do not seem to have redounded much to his disinterestedness or patriotism. He must be allowed, however, to have fought bravely and successfully, and to have done much to aid the progress of the revolution. Padilla is a mulatto; at the beginning of the contest he was a pilot of Cartagena; he has been the artificer of his own good fortune, and his fame is built on important and well directed services. To the larger portion, indeed, of the distinguished South American chiefs, not less than to Bonaparte's Marshals, may be applied the language of Don Quixote, that 'each one is the son of his own works,' *cada uno es hijo de sus obras.* All the generals here mentioned, and who are now left far behind by Bolivar, says M. Mollien, 'seem rather to be his equals, than his subalterns; and in case of his death, or even defeat, it is not impossible that they might put themselves at the head of the party, which they have attached to their interests. In this respect there is a strong resemblance between Bolivar and Alexander. Paez with his negroes will occupy the plains; Montilla, Caracas; Padilla, the coasts; Sucre, Quito. Thus everything depends on the existence of Bolivar.' Such forebodings, by the way, appear to us without foundation. The conduct of these leaders has not been such, as to warrant suspicions of this sort, nor is it just to their past

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characters to suppose, that they would in any event be guilty of the folly, or the crime, of sacrificing the safety and peace of their country, to the advancement of their own private aims. This would be to defeat the very object, for the attainment of which they have been contending, with so much zeal and bravery, for the last twelve years.

It may, indeed, safely be affirmed, that the prospects of the Colombians have never been so favorable as at this moment. Their foreign enemies have ceased, through weakness, to molest them; tranquillity prevails at home; the constitution has triumphed by an experiment of four years; salutary laws have been passed and published from time to time, and they go quietly into execution; the national credit is well established; the national resources are daily multiplying and becoming more efficient. Such has been the success at the outset of the new government, when experiments were to be tried, and obstacles innumerable to be met; when wars were to be carried on, and armies maintained; when the clamor of party was to be silenced, and the fire of ambition to be tempered and soothed. It is impossible to foresee what accident may bring to pass, but if successful experience is any pledge for future prosperity, it is reasonable to cherish the most encouraging anticipations of the growth and stability of the Colombian republic.

Commerce received a severe check during the revolutionary disturbances, and it is not surprising that it should not yet be restored even to its former channels. It is quite evident from the commercial laws and regulations, that the heads of the new government were not familiar with the principles, details, and bearings of this complicated subject; they were darkened and perplexed by the old system, and resorted to monopolies and restrictions. A revenue from commerce was absolutely necessary, and it was supposed that keeping up the old monopolies would be the most certain mode of obtaining it, since the people were accustomed to these restrictions, and would submit to them without complaint. If the government could make its own sales and purchases, and on its own terms, it was thought strange indeed, that it should not be able to secure the profits. Hence the ancient monopoly on tobacco was continued as a war tax. The consequence has been, that but a a comparatively small amount of this article was produced, and it could not stand the competition of foreign tobacco, even

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with a duty of fifty per cent on the latter. The next step was to prohibit importation altogether; then followed smuggling and customhouse frauds, and other devices to elude the laws, and of course to diminish the revenue, which a fair and judicious tariff might have ensured. Another extraordinary piece of legislation was that, which prohibited every kind of Spanish produce. This was meant to injure Spain, but no policy could be more shortsighted. Custom had made the cocoa of Colombia a necessary article of luxury to the Spaniards, and it was surely for the interest of the republic to give them the opportunity of obtaining as much as they could purchase and pay for, both on account of the present profit, and the importance of keeping open so good a market for the future. Again, a decree was issued by the Vice President, which required all foreign merchants trading in the country 'to consign themselves,' as it has been expressed, to the natives, a most singular mode of tempting foreign capital and enterprise to seek a residence in the country, where their influence is of such vital importance to the growth of the nation. It is proper to add, that the decree was not sanctioned by the congress. Several other strange specimens of legislation on this subject might be pointed out, which, as Colonel Hall has well remarked, might with propriety be entitled 'laws for the better security and increase of smuggling.' Knowledge and experience, however, will correct the evils, and it will be seen and felt, that the modern doctrine of *free trade with all nations*, in the most absolute sense of the term, is the only one consistent with a republican system, and that will in the shortest time ensure the highest degree of prosperity to a people.

Two laws in the Colombian code demand special notice, as fraught not more with justice, than a wise and liberal policy. The first relates to the emancipation of slaves, and the second to the establishment of schools, and the encouragement of letters. One of the earliest decrees of the constitutional congress was to abolish slavery. No person can be born a slave in Colombia, and the importation of slaves is prohibited by a severe penalty. Moreover, provision is made for creating a manumission fund by a tax, or legacy, which, according to the old Spanish laws of the colonies, was retained by the government. It is gratifying to learn, that this law goes into effect without opposition from any quarter. A large

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number of slaves is annually redeemed by the proceeds of this fund; and to make the ceremony of manumission the more impressive and the more joyful, it takes place on the festival days in the month of December. A strict scrutiny is held by the highest magistrates, into the character of the slaves proposed to be redeemed, and those are selected, who are found to be the most worthy. It ought to be mentioned, also, that instances are frequent in which masters voluntarily give freedom to their slaves.

The law respecting schools was likewise passed by the constitutional congress at its first session, and it embraces provisions for primary schools, colleges, and universities. Mr Restrepo's Report shows, that the government were engaged in this work with great zeal three years ago. Numerous Lancastrian Schools, and a few seminaries of the higher order, have since been put in operation. A portion of the old ecclesiastical revenue is appropriated by law to this purpose, and especially the property of certain monasteries and nunneries. Good books and teachers are much wanted; but the foundation of the system is admirable, and it must ultimately succeed. As a further aid to the progress of knowledge, science, and the arts, all books in every language are allowed to be imported free of duty, and also maps, charts, philosophical instruments, engravings, paintings, statuary, collections of antiquities, busts, and medals. In short, if we look at the body of the Colombian laws, which have been passed under the new constitution, we shall find, that, notwithstanding occasional minor defects, they are in the main well considered, recognising all the great principles of a free and practical government, and aiming at the durable prosperity of the nation.

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ART. VIII.—*Narrative of an Expedition to the Source of St Peter's River, Lake Winnepeek, Lake of the Woods, &c. &c; performed in the year* 1823, *by Order of the Hon. J. C. Calhoun, Secretary of War, under the command of* STEPHEN H. LONG, U. S. T. E. *Compiled from the Notes of Major Long, Messrs Say, Keating, and Colhoun;* by WILLIAM H. KEATING, A. M. &c, Geologist and Historiographer to the Expedition. 2 vols. 8vo. Carey & Lea, Philadelphia, 1824.

To every citizen, who rejoices in the growth and prosperity of his country, the recent enterprising expeditions into our frontier territories afford matter both of congratulation and regret; of congratulation, that so much has been done with means so small and encouragement so feeble; and of regret, that the national legislature has regarded them with so cold an indifference, and helped them forward with so parsimonious and reluctant a hand. It is mortifying in the extreme for an American to reflect, that while the British government, pursuing an expanded and magnanimous policy, are sending its bands of explorers to every region of the earth, to the heart of central Africa, to India, to the numerous groups of Islands in the Pacific, to South America, to the poles themselves, and even to the borders of our own United States, and thereby extending its name, its power, and its influence to every nation of the globe, and opening channels for an intercourse that will contribute in an unlimited degree to increase its riches and its strength; it is mortifying, we say, to witness these great acts of enterprise and spirit in a foreign country, and then come down to the pitiful contrast exhibited by the doings of our own government; that department of it, we mean, which holds the efficient means of enterprise in its power. Three fifths of our wide possessions are to this day a complete *terra incognita*, of which we know little more than we do of the geographical and political features of Monomotapa, or the arctic domains of the emperor of Russia.

Congress did on one occasion, it must be acknowledged, by some unaccountable impulse of generosity, vote a grant of money to fit out an expedition to the Rocky Mountains. But what was the result? The liberal object itself was nearly defeated, by withholding the necessary funds for the support of

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the expedition, at the very time when, after conquering many difficulties, it had reached the point, which promised future success, and when the persons engaged in it had become qualified, by a well earned experience, to accomplish the purposes of the undertaking in a manner as perfect and satisfactory, as could possibly be desired. That men, whose ardor was sufficient to sustain them in opposing every obstacle, and whose intelligence was such as to render them capable of thoroughly investigating every object, that came within their observation, should be permitted to enter upon such an enterprise without the instruments necessary for their researches, and equipments essential to their comfort, or that they should be obliged to travel *against time* with a slight reference to particulars the most important in their tour, and this for the sake of saving a few hundred dollars to the nation, was of all attempts at economy the most ill judged, narrow, and preposterous. Such a spirit is unquestionably at war with the best interests of the country. The treasury of these states, instead of swallowing up, like the thirsty sand, all that is poured into it, should resemble the ocean, which, though the recipient of ten thousand rivers, receives them only to expand a vaster surface, whence their substance may again be withdrawn, and returned in fertilizing showers over the land.

The work, to which we are now called, is another evidence of the zeal and industry of the valuable officer, who, accompanied by some of the same distinguished naturalists, heretofore performed the expedition to the Rocky Mountains, with so much credit to the persons employed, and advantage to the cause of science. Although the present journey was through a country, neither so entirely unexplored, nor so intrinsically rich in natural objects, as that traversed by them on the former occasion, enough has been accomplished to entitle them to much commendation, and impart general interest to the narrative of their labors. When we consider, that they were ordered to perform this journey within eight months, and required not to delay through a winter while on their route, we may well be surprised at the extent and number of their observations.

This will be made the more obvious by presenting, in connexion with a few extracts from these volumes, a general outline of what has been accomplished by the expedition. A sketch of the geography of the country passed over, is

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fully and ably drawn by Major Long, in the form of a Report to the Department of War. The regions between the Alleganies and the Ohio river, and between that river and Lake Michigan, and also the territory northwest of the Great Lakes, which was the more immediate theatre of their observations, are all minutely described. An interesting account is also given of the river St Peter, its source, dimensions, and tributary streams.

We select the following observations on the communication between Lake Superior and Lake Winnepeek.

'The hydrography of this region is as yet very defective, and although it may be traversed in a thousand directions, must forever remain so, if the shape, magnitude, and position of innumerable lakes embosoming myriads of islands, and the courses, sinuosities, and declivities of countless channels by which they are united, are deemed essential as rudiments of that science. The country is literally a wilderness of lakes, islands, and peninsulas; a mazy waste, so inhospitable and irreclaimable, as to mock the art and enterprize of man, and bid defiance to his industry.

'The water route most frequented between the Lake of the Woods and Lake Winnepeek, is denominated Winnepeek river, which enters the lake last mentioned in latitude 50° 36′ 30″, and has an extent of about one hundred and seventy miles. It is composed of a series of deep and broad basins rising one above another, and serving as the channel of a huge volume of water, which is precipitated from one basin to another in tumultuous cataracts of the most romantic character. Of these water falls, there are no less than thirty-one in the route above mentioned, which interrupt the passage of canoes, and at all of which are carrying places. The aggregate descent of water in Winnepeek river may be estimated at four hundred and ten feet, which may be considered as the elevation of the Lake of the Woods above Lake Winnepeek. The route by Covert and Sturgeon Dam rivers is probably the most direct, (the lower portion of which is the same with that above mentioned,) but the obstructions are said to be more numerous and formidable, especially in a low stage of water. Besides these there are numerous other deviations from the main route, some of which have been traversed, but the number that remains to be explored is doubtless far greater.

'At the distance of about sixty miles below the Lake of the Woods, Winnepeek river receives a large tributary from the north, called English river, which is of a character similar to that of the principal, and nearly as large as the latter above their

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junction. Its head waters interlock with those of Albany river, which empties into James' Bay, and is the principal channel of intercourse between Lake Winnepeek and the trading establishments on that river.

'The Lake of the Woods is about seventy-five miles long, and of irregular widths, from ten to thirty-five or forty miles. Compared with other lakes, it deserves a high rank on the scale of beauty. The scenery is wild and romantic in a high degree, its shores being faced with precipices and crowned with hills and knobs of variable heights, clad with a dense foliage of shrubbery and evergreens. Its surface is beautifully studded with countless islands of various sizes and forms, disclosing between them the continued sheet of its wide-spreading waters, the extent of which enlarges upon the vision as the traveller advances upon the lake, till the main land is shut out from the view by the islands that multiply around him.

'The 49th parallel of north latitude crosses the lake, within the distance of about twelve miles from its southerly extremity.

'The region bordering upon the waters above described, is one of the most dreary imaginable. Its climate is rigorous, its surface exceedingly rugged and broken, and its products so limited and meagre, that it seems never to have been claimed as a residence either by man or beast. A solitary moose, caraboo, or bear, is occasionally to be found; and a half-starved family of savages sometimes fix a temporary residence upon some of the water-courses, and subsist miserably upon fish, but it seems as if comfort and competency were denied to both.' Vol. ii. pp. 231—233.

'Above the Lake of the Woods, Rainy river becomes the channel of communication, and extends one hundred miles to the lake of the same name. It has an average breadth of about three hundred yards, is deep and gentle, and has no obstructions to its navigation, within forty-eight miles of its mouth; at this distance are situated the rapids of Rainy river, which are about one mile long, and have an aggregate descent of about ten feet. About ten miles further up is another inconsiderable rapid, with a fall of about three feet. At the outlet of Rainy Lake is a rapid of about five feet descent, and two miles and a half below are the Falls of Rainy river, down which the torrent pours with terrific grandeur through an aggregate descent of twenty-five feet in the distance of but a few yards. At this place are situated an establishment of the Hudson's Bay Company on the north side of the river, and one belonging to the American Fur Company on the south. Twenty miles below the falls is the entrance of a considerable tributary from the southwest called the Grand Fork, which affords a channel of communication between the principal

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and Little Winnepeek Lake of the Mississippi, navigable in wet seasons. It receives several other streams of less note. Between the Lake of the Woods and Rainy Lake there is another water route which is sometimes travelled; it is delineated on the map as the back route.' Vol. ii. p. 234.

On the natural features of the country in a military point of view, Major Long remarks as follows.

'In this view it is proper to comprehend not only the extreme northerly frontier of the United States, but to consider it in connexion with the boundary which nature seems to have fixed as the western limit of our population, viz. the Great American Desert. From what has been stated in relation to the country surrounding Lake Superior and extending north-westwardly to Lake Winnepeek, it may be inferred that we shall always remain secure from the inroads of any hostile force in that direction. Indeed the nature of the country is such, as affords a more formidable barrier to the invasions of an enemy, than any *cordon* of posts that art could devise. This barrier is intercepted by a space of considerable extent, including the valley of Red river, and extending westward to the Great Desert, through which there are two considerable passes, the one by the way of the Red and St Peter rivers, and the other by that of the Assiniboin and Missouri, through which an enemy from the north might gain access to the heart of the western country. But when we consider that the policy of the Hudson's Bay Company, in whom is vested the right of soil to all that part of the British possessions drained by the tributaries of Hudson's Bay, is opposed to the colonization of their territory, their interest prompting them to foster the fur trade, the products of which must diminish in proportion to the increase of population, we have very little to apprehend from the attack of a powerful enemy in that quarter. Added to this the utter impracticability of transporting by ordinary means heavy ordnance, and other munitions of war, up Nelson's river, or by any other route to the valley of Red river, must for a long time to come place an enterprize of this nature beyond the reach of any hostile power. Accordingly, under present prospects, no hostilities are to be apprehended in that part of our frontier, except such as may be inflicted through the medium of the savages. A large portion of the Great American Desert, a sterile dreary waste, three or four hundred miles in width, stretching along the eastern verge of the Rocky Mountains, from Red river of the south to Athabasca in the north, a distance of more than fourteen hundred miles, may be added as a continuation of the line of our natural defence. Thus a portion of our frontier, embracing an

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extent of nearly two thousand miles, is so well fortified by nature as to require no artificial structures but such as are appropriate in Indian warfare. No regular military works will of course be required on that extent of frontier, except such as may be required to protect the American fur trade, and counteract the hostile purposes of the Indians.' Vol. ii. pp. 241—243.

The geological observations made by the expedition are mostly new, and very interesting. In beginning their journey they took the opportunity to examine the geology of the state of Pennsylvania west of the Susquehanna, in which region they were the first to remark the existence of primitive formations. They subsquently examined with much care the country near Wheeling and Zanesville. The appearance of the limestone, in the space between Lake Michigan and the Mississippi, led to an attempt to refer these formations to analogous European formations, and though these observations are diffidently offered, they are very interesting. The writer of the expedition has not ventured to decide authoritatively, on a question of so much difficulty, but he has stated his views and motives at large, and shown in what manner the rocks resemble or differ from those observed by Conybeare, Friesleber, Buckland and others. In this part of the route no appearance of lead mines was found.

In relation to the geology of St Anthony, much light has been added to that afforded by Mr Schoolcraft, who had not attempted to show how these rocks were connected with similar ones observed elsewhere. We believe, moreover, that Mr Keating is the first person, who has described from actual observation the nature of the rock on the St Peter; this he has done in the case of the sandstone and limestone, on the lower part of the river, and of the primitive rocks above Patterson's falls, and near the *Lac Qui Parle*.

The first rock, which was afterwards seen *in situ*, was the limestone of Red river, and this, together with the primitive rocks subsequently mentioned, is carefully noted. Superpositions have been traced and described as far as possible, as in the case of the Allegany mountains, of the rocks at Wheeling and Zanesville, on the Wassemos, or west of it, at Fort St Anthony, and the falls, and in various places on Lake Superior. That superpositions were not seen from Lake Winnepeek to Lake Superior is accounted for, by stating that it is doubted whether there is a regular stratification and alter-

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nation of rocks, but it is rather held to be an immense, confused, and irregular crystallization, giving rise to many distinct rocks passing into one another. Along the north shore of Lake Superior, traversed by this expedition, no masses of native copper were observed, on the surface of the alluvial matter, but in several places copper pyrites were obtained.

The scenery of the country, which is always nearly and peculiarly connected with its geological characters, deservedly attracted the notice of the expedition, and the descriptions given of it are frequently picturesque and beautiful, deriving a great degree of interest from the peculiar wildness of the country, and the general absence of all animated beings, except the observers themselves.

'It was at our evening's encampment,' says Mr Keating, 'that the splendid scenery of the Winnepeek first displayed itself to our view, realizing all that the mind could have fancied of wild and sublime beauty, and far surpassing any that we had ever seen.' The characters, which we admire in the scenery of the Winnepeek, are the immense volume of waters, the extreme rapidity of the current, the great variety of form which the cascades and falls present, and the incomparable wildness of the rocky scenery which produces these falls, and which contrasts by its gloom, immoveable and unchangeable features, with the bright, dazzling effect of the silvery sheet of water, passing from a smooth and unruffled expanse, to a broken and foaming cataract. It is in the effect of the rocky bed of the Winnepeek, that its numerous falls surpass all other which we have seen; the cataract of Niagara, which far exceeds them in volume, is uniform and monotonous in comparison; the horizontal ledges of secondary rocks of the latter are so far inferior in picturesque effect to the dark water-worn granite and sienite of the former, as the height of the bluffs at Niagara exceeds that of the rocky banks of the Winnepeek.

'The falls on this river have another advantage, which is, that the whole country has a picturesque appearance, which prepares the mind, and keeps it in a proper disposition to appreciate the splendor of its cataracts, while the country around Niagara is flat, uniform, and uninteresting.'

'The place of our encampment was characterized by one of those peculiar effects of water, which, once seen, leave an indelible impression upon the mind. After having passed over numerous rocks, which form diversified cascades, (the whole height of which is about thirty feet,) the water is suddenly received into a

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basin enclosed by high rocks, where it is forced to sojourn awhile, by the small size of the aperture through which it issues; here the waters present the characters of a troubled ocean, whose waves rise high and beat against the adjoining shores, and against the few rocky islands which are seen in the midst of this basin; it is to this character that the spot owes the name which it receives from the natives, "the fall of the moving waters." They may be called the lower falls of Winnepeek river. We reached them in time to watch the beautiful effect of the setting sun, whose beams reflected by the stream imparted to it the appearance of a sea on fire. This was soon replaced by the moon, which cast a more placid light upon the waves, and heightened the charm of the scenery by the melancholy mantle which it spread over it. One of the most imposing characters of these falls is the tremendous noise which they produce, and which, in comparison to their size, is thought to exceed that of Niagara, Montmorency, Schaffhausen, St Anthony, the Cohoes, or other falls which any of our party have ever seen. A scarcity of vegetation covers these rocks and contributes to the picturesque effect of the spot. Instead of the heavy forests which formerly sheltered Niagara, we have here a spare growth of aspen, birch, spruce, and other evergreens, whose size, generally small, adds to the wild and barren appearance of the rocks. The night which we spent near these falls, was one of the most interesting in the expedition; our tents were pitched so that we had a view of the splendid effect arising from the play of the moonbeams upon the surface of this ocean-like basin, and our eyes were constantly bent upon it until the noise of the cataract lulled us to sleep.' Vol. ii. pp. 90—92.

One important service, rendered by Major Long and his party during the present expedition, is deserving of particular notice. They have pursued their inquiries and examinations in such a manner, as to show that some authors, who have enjoyed an unmerited degree of confidence and reputation, are unworthy of such respect; not only because they have very frequently depended exclusively on others for the circumstances they relate, but because they have not hesitated to fill up a large part of their outline from imagination alone. This especially applies to La Hontan, or the monk Guedeville, who assumed this name; and to his humble but ungrateful copyist and garbler, Carver. To be convinced that those, who have been our guides in any research, are unqualified for the office they propose to discharge, may be

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disagreeable, but it is an important step towards correcting our errors, and the attainment of truth.

Mr Schoolcraft, who is advantageously known by his travels, and observations on the lead mines of Missouri, has also been corrected in some particulars by the researches of the present expedition. With this we are the more satisfied, as the standing and merited respectability of Mr Schoolcraft are well suited to confer permanency on any accidently erroneous statement made by him. In relation to the Falls of St Anthony, the narrative of Mr Schoolcraft contains an undeserved censure on the statement of that gallant and praiseworthy officer, Pike, who first correctly reported their height. The latter explorer stated, that the perpendicular height was *sixteen* and a half feet. Mr Schoolcraft magnifies it to *forty feet.* Major Long and Mr Colhoun by different measurements ascertained, that the height was between fifteen and sixteen feet. We do not think it necessary to specify the other topics, on which they differ entirely from Mr Schoolcraft, of whose labors they always speak favorably, and no doubt thought kindly. Corrections of this nature should not give offence to any one, since it is impossible for travellers in all cases to avoid misconception, even where their opportunities for observation have been excellent.

Among the most interesting researches, contained in these volumes, are those relating to the aboriginal inhabitants of the countries adjoining our frontiers. In collecting information on this subject, the gentlemen of the expedition have manifested a very praiseworthy diligence, and their exertions have been rewarded by a large amount of valuable acquisitions. So much misrepresentation has existed in relation to these tribes, and so many falsehoods and exaggerations have been published concerning them, that every authentic observation of their social condition and polity, is of the highest value to the philanthropist and philosopher.

A very interesting account is given, in the second volume, of a white man, by the name of Tanner, who was taken when a child by the Indians, and lived with them till he was advanced in life. This account is too long for an extract, and we recommend it particularly to our readers.

At Piqua, on the Great Miami, about seventy miles west of Columbus, the capital of Ohio, the expedition delayed a short time to examine several of those singular Indian works, which,

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usually constructed of earth alone, have resisted the influence of time during many ages, subsequent not only to the extinction of the race by whom they were founded, but long after giant oaks, which have grown from the acorn on their summits, have perished and disappeared through the natural agency of extreme old age and decay. Who reared these works,—for what purpose, or by what means? are questions to which we can reply with nothing better than conjectures, and these in all probability as wide of the truth, as the present time is distant from the era when the mounds themselves were constructed. We have no dates, no tradition to aid us, and our best researches bring us only to the conclusion that they exist, and that powerful and numerous nations have ceased to be. Although these monuments are so simply constructed, they would most probably outlast every other work of human art, since they are secured against the injuries of the seasons by the herbage and trees, which are always found clothing them; but they are now sinking speedily under the hands of civilized men, and must soon be no more. The plough has for many years passed destructively over a great number of elevations, which have witnessed the lapse of centuries unmarred, and a few years only will roll away, before the remaining Indians will become finally extinct, and no trace be left of their existence, or of their ancient greatness.

The melancholy interest, inspired by such considerations, awakens many an unavailing regret relative to the Aborigines, who still continue to linger on the outskirts of the white settlements, apparently incapable of perceiving the advantage of living by the products of their industry, and nurtured in habits which are an effectual barrier to improvement. They are exposed to the artifices of the most depraved of their white neighbors, are taught to debase themselves rather than to improve their condition, and must eventually cease to exist as a people, in the midst of every opportunity to become numerous, refined, and powerful.

It is considered by the writers of this expedition very erroneous, to attribute to all the Indian nations a common character, or to suppose them all alike. It is true that the condition in which they live is sufficient to produce very striking resemblances between them; but there are distinctions as remarkable and important as those to be found in their languages, arising from their division into nations, which, for all

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that is known to the contrary, may be descended from different original stocks. Those, which are evidently descended from a common parentage, necessarily present the greatest resemblances, as the Potowatamies, Sauks, Ottowas, and Chippewas, who are all derived from the Algonquin race, while the Dacotas, springing from a different stock, are very different from the rest, both in manners and language. The Indians of Algonquin descent speak dialects of the same tongue, have a family badge, or *totem*, as they call it, and do not worship thunder; and it is believed these tribes are not free from the taint of cannibalism. In all these particulars the manners of the Dacotas exhibit essential differences.

To the distinctions, which are dependent on national causes, superstitions, or traditions, may be added others which spring from local and adventitious circumstances. The Dacotas, for instance, living in a country where bisons are found in abundance, make use of skin lodges, are fond of horses, and obtain them whenever it is possible. The Chippewas, who live in a country of lakes where the birch tree is very common, have ingeniously resorted to the bark of that tree for the material of which to construct their lodges and canoes. That this is not a national, but a local usage, is shown by the fact, that the Killistenos, who are of Algonquin descent, live in a buffalo country, and imitate the Dacotas in the particulars above mentioned, while in respect of language, *totems*, and superstitions, they evince their connexion with the Chippewas.

We have incidentally mentioned, that some of these Indians have a disposition to cannibalism, which has sometimes been considered a shocking imputation on the savage character; nevertheless, the evidence collected by this expedition, added to what is found in other works, would seem to establish the fact on very strong grounds. It is by no means common, however, and is most probably falling into permanent disrepute. Under any circumstances, it is important to be fully assured of the existence of such a trait in the character of these tribes, if it actually exists, however repugnant it may be to our feelings. It seems highly probable, that if the savages of this country had been represented according to their actual condition, and not from the extravagant fancy or misconceptions of travellers, they might at this time have been much further advanced in civilization. That they possess many excellent qualities, and a capacity for improvement,

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is not to be doubted; but while they continue to be treated with oppression and injustice, and are taught by repeated experience to regard white men as fraudulent and corrupt, it can scarcely be expected from them, however much it may be desired, that they will arrive at a high elevation either in morals or civil improvements.

The Narrative of the expedition appears to have been carefully composed, and is more uniform than that of the former expedition, but not so interesting. The general style of composition is much elaborated; it is a little too ambitious, abounding in occasional superfluous epithets. These are the faults of one, who has not written much for publication, and may easily be pardoned. A more serious objection to the style, is a too frequent use of technical terms in geology and mineralogy, even in the midst of descriptions, where no allusions to these subjects ought to have been introduced. On the whole, however, Mr Keating has accomplished his task, as historiographer to the expedition, with much good judgment, and with the full measure of industry, which a work of so varied a character required, and he deserves the praise not less of successful authorship, than of skill in his favorite science.

The Appendix contains a treatise extending to one hundred and fifty pages, on various objects of natural history observed in the expedition, by Mr Thomas Say, of the merits of which we do not pretend to speak, being fully convinced that no better pledge of its value can be desired by the public, than the name of the author.

ART. IX.—*Alcune Osservazioni sull' Articulo Quarto publicato nel North American Review, il Mese d' Ottobre dell' Anno* 1824. Da L. DA PONTE. Nuova-Jorca. Stampatori Gray e Bunce. 1825.

THE larger part of the above work is devoted to strictures upon an Article on 'Italian Narrative Poetry,' which appeared in Number XLV of this Journal. The author is an eminent Italian teacher at New York. His poetical abilities have been highly applauded in his own country, and were rewarded with the office of Cæsarean poet at the court of Vienna, where he acquired new laurels as successor to the

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celebrated Metastasio. His various fortunes in literary and fashionable life while in Europe, and the eccentricities of his enthusiastic character, furnish many interesting incidents for an autobiography, published by him two years since at New York; and to this we refer those of our readers, who are desirous of a more intimate acquaintance with the author.

We regret that our remarks, which appeared to us abundantly encomiastic of Italian letters, and which certainly proceeded from our admiration for them, should have given such deep offence to the respectable author of the 'Osservazioni,' as to compel him, although a 'veteran' in literature, to arm himself against us in defence of his 'calumniated' country. According to him, 'we judge too lightly of the Italians, and quote as axioms the absurd opinions of their insane rivals (accaniti rivali), the French. We conceal some things where silence has the appearance of malice; we expose others which common generosity should have induced us to conceal; we are guilty of false and arbitrary accusations, that do a grievous wrong to the most tender, and most compassionate of nations; we are wanting in a decent reverence for the illustrious men of his nation; finally, we pry with the eyes of Argus into the defects of Italian literature, and with one eye only, and that indeed half shut, (*anche quello socchiuso,*) into its particular merits.' It is true, this sour rebuke is sweetened once or twice with a compliment to the extent of our knowledge, and a 'confession that many of our reasonings, facts, and reflections merit the gratitude of his countrymen, that our intentions were doubtless generous, praiseworthy,' and the like. But such vague commendations, besides that they are directly inconsistent with some of the imputations formally alleged against us, are two thinly scattered over sixty pages of criticism, to mitigate very materially the severity of the censure. The opinions of the Author of the *Osservazioni* on this subject are undoubtely entitled to great respect. But it may be questioned, whether the excitable temperament usual with his nation, and the local partiality which is common to the individuals of every nation, may not have led him sometimes into extravagance and error. This seems to us to have been the case; and as he has more than once intimated the extreme difficulty of forming a correct estimate of a foreign literature, 'especially of the Italian,' we shall rely exclusively for the support of our opin-

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ions, on the authorities of his own countrymen, claiming one exception only in favor of the industrious Ginguené, whose opinions he has himself recommended to 'the diligent study of all, who would form a correct notion of Italian literature.'*

His first objection is against what he considers the unfair view, which we exhibited of the influence of Italy on English letters. This influence, we had stated, was most perceptible under the reign of Elizabeth, but had gradually declined duing the succeeding century, and with a few exceptions, among whom we cited Milton and Gray, could not be said to be fairly discerned until the commencement of the present age. Our censor is of a different opinion. 'Instead of confining *himself*' (he designates us always by this humble pronoun), 'to Milton,' he says, 'for which exception *I acknowledge no obligation to him*, since few there are who were not previously acquainted with it, I would have had him acknowledge that many English writers not only loved and admired, but studiously imitated our authors, from the time of Chaucer to that of the great Byron; for the *clearest evidence* of which, it will suffice to read the compositions of this last poet, of Milton, and of Gray.' He then censures us for not specifying the obligations which Shakspeare was under to the early Italian Novelists, for the plots of many of his pieces, 'which silence' he deems 'as little to be commended, as would be an attempt to conceal the light, the most beautiful prerogative of the sun, from one who had never before seen it.' 'And,' he continues, 'these facts should for two reasons have been especially communicated to Americans; first, to animate them more and more to study the Italian tongue; and secondly, in order not to imitate, by what may appear a malicious silence, the example of another nation [the French], who, after drawing their intellectual nourishment from us, have tried every method of destroying the reputation of their earliest masters.' pp. 74—79.

We have extracted the leading ideas, diffused by the author of the *Osservazioni* over half a dozen pages. Some of them have at least the merit of novelty. Such are not, however, those relating to Chaucer, whom we believe no one ev-

* Ma bisognava aver l'anima di Ginguené, conoscer la lingua e la letteratura Italiana, come Ginguené, e amar il vero come Ginguené, per sentire, &c. *Osservazioni*, pp. 115, 116.

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er doubted to have found in the Tuscan tongue, the only one of that rude age in which

'The pure well-head of poesie did dwell,'

one principal source of his premature inspiration. We acknowledged, that the same sources nourished the genius of Queen Elizabeth's writers, among whom we particularly cited the names of Surrey, Sidney, and Spenser. And if we did not distinguish Shakspeare amidst the circle of cotemporary dramatists, whom we confessed to have derived the designs of many of their most popular plays from Italian models, it was because we did not think the extent of his obligations, amounting to half a dozen imperfect skeletons of plots, required any such specification; more especially, as several of his great minor cotemporaries, as Fletcher, Shirley, and others, made an equally liberal use of the same materials. The obligations of Shakspeare, such as they were, are moreover notorious to every one. The author of the *Osservazioni* expressly disclaims any feelings of gratitude towards us, for mentioning those of Milton, because they were notorious. It is really very hard to please him. The literary enterprise, which had been awakened under the reign of Elizabeth, was in no degree diminished under her successor; but the intercourse with Italy, so favorable to it, at an earlier period, was for obvious reasons at an end. A Protestant people, but lately separated from the Church of Rome, would not deign to resort to what they believed her corrupt fountains for the sources of instruction. The austerity of the Puritan was yet more scandalised by the voluptuous beauties of her lighter compositions, and Milton, whose name we cited in our article, seems to have been a solitary exception on the records of that day, of an eminent English scholar, thoroughly imbued with a relish for Italian letters.

After the days of civil and religious faction had gone by, a new aspect was given to things under the brilliant auspices of the restoration. The French language was at that time in the meridian of its glory. Boileau, with an acute but pedantic taste, had drafted his critical ordinances from the most perfect models of classical antiquity. Racine, working on these principles, may be said to have put into action the poetic conceptions of his friend Boileau, and with such a model to illustrate the excellence of his theory, it is not wonderful that the code of the French legislator, recommended,

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as it was too, by the patronage of the most imposing court in Europe, should have found its way into the rival kingdom, and have superseded there every other foreign influence.* It did so. 'French criticism,' says Bishop Hurd, speaking of this period, 'has carried it before the Italian with the rest of Europe. This dexterous people have found means to lead the taste, as well as set the fashions of their neighbours.' Again; 'The exact but cold Boileau happened to say something of the *clinquant* of Tasso, and the magic of this word, like the report of Astolfo's horn in Ariosto, overturned at once the solid and well built foundation of Italian poetry; it became a sort of watchword among the critics.' Mr Gifford, whose acquaintance with the ancient literature of his nation, entitles him to perfect confidence on this subject, whatever we may be disposed to concede to him on some others, in his introduction to Massinger, remarks in relation to this period, that 'criticism, which in a former reign had been making no inconsiderable progress under the great masters of Italy, was now diverted into a new channel, and only studied in the puny and jejune canons of their degenerate followers, the French.' Pope and Addison, the legislators of their own and a future age, cannot be exempted from this reproach. The latter conceived and published the most contemptuous opinion of the Italians. In a very early paper of the Spectator bearing his own signature (No. 6,) he observes, 'The finest writers among the modern Italians [in contradistinction to the ancient Romans] express themselves in such a florid form of words, and such tedious circumlocutions, as are used by none but pedants in our own country; and at the same time fill their writings with such poor imaginations and conceits, as our youths are ashamed of, before they have been two years at the University.' In the same paper he adds, 'I entirely agree with Mons. Boileau, that one verse of Virgil is worth all the tinsel of Tasso.' This is very unequivocal language, and our censor will do us the justice to believe, that we do not quote it from any 'malicious intention,' but

* Boileau's sagacity in fully appreciating the merits of Phèdre and of Athalie, and his independence in supporting them against the fashionable factions of the day are well known. But he conferred a still greater obligation on his friend. Racine the younger tells us, that 'his father in his youth was given to a vicious taste, *(concetti,)* and that Boileau led him back to nature, and taught him to rhyme with labor, *(rimer difficilement.')*

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simply to show what must have been the popular taste, when sentiments like these were promulgated by a leading critic of the day, in the most important and widely circulated journal in the kingdom.*

In conformity with this anti-Italian spirit, we find that no translation of Ariosto was attempted subsequent to the very imperfect one by Harrington in Elizabeth's time. In the reign of George the Second a new version was published by one Huggins. In his preface he observes, 'After this work was pretty far advanced, I was informed there had been a translation published in the reign of Elizabeth, and dedicated to that queen, whereupon I requested a friend to obtain a sight of that book, for it is, it seems, very scarce, and the *glorious original* much more so in this country.' Huggins was a learned scholar, although he made a bad translation. Yet it seems he had never meet with, or even heard of the version of his predecessor, Harrington. But without encumbering ourselves with authorities, a glance at the compositions of the period in question, would show how feeble are the pretensions of an Italian influence; and we are curious to know what important names, or productions, or characteristics can be cited by the author of the *Osservazioni*, in support of it. Dryden, whom he has objected to us, versified, it is true, three of his Fables from Boccaccio; but this brief effort is the only evidence we can recall, in the multitude of his miscellaneous writings, of a respect for Italian letters; and he is expressly mentioned, by his accurate biographer Scott, as having powerfully contributed to the introduction of a French taste in the drama. The only exception, which occurs to our general remark, is that afforded by the Metaphysical School of Poets, whose vicious propensities have been referred by Dr Johnson to Marini and his followers. But as an ancient English model for this affectation may be found in Donne, and as the doctor was not prodigal of golden opinions towards Italy, we will not urge upon our opponent what may be deemed an ungenerous, perhaps an unjust imputation. The same indifference appears to have lasted the greater

* Addison tells us in an early number of the Spectator, that 3000 copies were daily distributed; and Chalmers somewhere remarks, that this circulation was afterwards increased to 14000; an amount, in proportion to the *numerical population and intellectual culture of that day*, very far superior to that of the most popular journals at the present time.

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portion of the eighteenth century, and with few exceptions, enumerated in our former article, the Tuscan spring,

'quella fonte,
Che spande di parlar si largo fiume,'

seems to have been almost hermetically sealed against the English scholar. The increasing thirst for every variety of intellectual nourishment, in our age, has again invited to these early sources, and while every modern tongue has been anxiously explored by the diligence of critics, the Italian has had the good fortune to be more widely and more successfully cultivated than at any former period.

We should apologize to our readers for afflicting them with so much commonplace detail, but we know no other way of rebutting the charge, which, according to the author of the *Osservazioni*, might be imputed to us, of a 'malicious silence,' in our account of the influence of Italian letters in England.

But if we have offended by saying too little on the preceding head, we have given equal offence on another occasion by saying too much; our antagonist attacks us from such opposite quarters, that we hardly know where to expect him. We had spoken, and in terms of censure, of Boileau's celebrated sarcasm upon Tasso; and we had added, that, notwithstanding an affected change of opinion, 'he adhered until the time of his death to his original heresy.' 'As much,' says our censor, 'as it would have been desirable in him [the reviewer] to have spoken on these other matters, so it would have been equally proper to have suppressed all that Boileau wrote upon Tasso, together with the remarks made by him in the latter part of his life, as having a tendency to prejudice unfavorably the minds of such as had not before heard them. Nor should he have coldly styled it his "original heresy," but he should have said that in spite of all the heresies of Boileau, and all the blunders of Voltaire, the *Jerusalem* has been regarded for more than two centuries and a half, and will be regarded as long as the earth has motion, by *all* the nations of the civilized world, as the most noble, most magnificent, most sublime epic produced for more than eighteen centuries; that this consent, and this duration of its splendor, are the strongest and most authentic seal of its incontrovertible merit; that this unlucky *clinquant*, that defaces at most a hundred verses of this poem, and which in fact is

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nothing but an excess of overwrought beauty, is but the merest flaw in a mountain of diamonds; that these hundred verses are compensated by more than three thousand, in which are displayed all the perfection, grace, learning, eloquence, and coloring of the loftiest poetry.' In the same swell of commendation the author proceeds for half a page further. We know not what inadvertence on our part can have made it necessary by way of reproof to us, to pour upon Tasso's head such a pelting of pitiless panegyric. Among all the Italian poets there is no one, for whom we have ever felt so sincere a veneration, after

'quel signor dell' altissimo canto
Che sovra gli altri, com' aquila vola,'

as for Tasso. In some respects he is even superior to Dante. His writings are illustrated by a purer morality, as his heart was penetrated with a more genuine spirit of christianity. Oppression, under which they both suffered the greater part of their lives, wrought a very different effect upon the gentle character of Tasso, and the vindictive passions of the Ghibelline. The religious wars of Jerusalem, exhibiting the triumphs of the christian chivalry, were a subject peculiarly adapted to the character of the poet, who united the qualities of an accomplished knight, with the most unaffected piety. The vulgar distich, popular in his day with the common people of Ferrara, is a homely but unsuspicious testimony to his opposite virtues.* His greatest fault was an ill regulated sensibility, and his greatest misfortune was to have been thrown among people, who knew not how to compassionate the infirmities of genius. In contemplating such a character, one may without affectation feel a disposition to draw a veil

* 'Colla penna e colla spada,
Nessun val quanto Torquato.'

This elegant couplet was made in consequence of a victory obtained by Tasso over three cavaliers, who treacherously attacked him in one of the public squares of Ferrara. His skill in fencing is notorious, and his passion for it is also betrayed by the frequent, circumstantial, and masterly pictures of it, in his 'Jerusalem.' See in particular the mortal combat between Tancred and Argante, Can. xix, where all the evolutions of the art are depicted with the accuracy of a professed sword-player. In the same manner, the numerous and animate allusions to field sports betray the favorite pastime of the author of Waverley; and the falcon, the perpetual subject of illustration and simile in the 'Divina Commedia,' might lead us to suspect a similar predilection in Dante.

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over the few imperfections that tarnished it; and in our notice of it expanded into a dozen pages, there are certainly not the same number of lines devoted to his defects, and those exclusively of a literary nature. This is but a moderate allowance for the transgressions of any man; yet, according to Mr Da Ponte, 'we close our eyes against the merits of his countrymen, and pry with those of Argus into their defects.'

But why are we to be debarred the freedom of criticism enjoyed even by the Italians themselves. To read the *Osservazioni*, one would conclude that Tasso, from his first appearance, had united all suffrages in his favor; that by unanimous acclamation, his poem had been placed at the head of all the epics of the last eighteen centuries; and that the only voice, raised against him, had sprung from the petty rivalries of French criticism, from which source we are more than once complimented with having recruited our own forces. Does our author reckon for nothing the reception, with which the first Academy in Italy greeted the Jerusalem on its introduction into the world, when they would have smothered it with the kindness of their criticism? Or the volumes of caustic commentary by the celebrated Galileo, almost every line of which is a satire? Or, to descend to a later period, when the lapse of more than a century may be supposed to have rectified the caprice of cotemporary judgments, may we not shelter ourselves under the authorities of Andres,* whose favorable notice of Italian letters, our author cites with deference; of Metastasio, the avowed admirer and eulogist of Tasso;† of Gravina, whose philosophical treatise on the principles of poetry, a work of great authority in his own country, exhibits the most ungrateful irony on the literary pretensions of Tasso, almost refusing to him the title of a poet.‡

But to proceed no farther, we may abide by the solid judgment of Ginguené, that second Daniel, whose opinions we are advised so strenuously 'to study and to meditate.' 'As to florid images, frivolous thoughts, affected turns, conceits and *jeux de mots*, they are to be found in greater abundance in Tasso's poem, than is commonly imagined. The enumeration of them would be long, if one should run over the Jeru-

* Dell' Origine &c. d'Ogni Lett. Tom. iv. p. 250.
† Opere Postume di Metastasio. Tom. iii. p. 30.
‡ Ragion Poetica, pp. 161, 162.

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salem and cite all that could be classed under one or other of these heads, &c. Let us content ourselves with a few examples.' He then devotes ten pages to these few examples, (our author is indignant that we should have bestowed as many lines,) and closes with this sensible reflection; 'I have not promised a blind faith in the writers I admire the most; I have not promised it to Boileau, I have not promised it to Tasso, and in literature we all owe our faith and homage to the eternal laws of truth, of nature, and of taste.'*

But, in order to relieve Tasso from an undue responsibility, we had stated in our controverted article, that 'the affectations imputed to him were to be traced to a much more remote origin;' that 'Petarch's best productions were stained with them, as were those of preceding poets, and that they seemed to have flowed directly from the Provençale, the fountain of Italian lyric poetry.' This transfer of the sins of one poet to the door of another, is not a whit more to the approbation of our censor, and he not only flatly denies the truth of our remark, as applied to 'Petrarch's best productions,' but gravely pronounces it 'one of the most solemn, the most horrible literary blasphemies, that ever proceeded from the tongue or pen of mortal!'† 'I maintain,' says he, 'that not one of those that are truly Petrarch's best productions, and there are very many, can be accused of such a defect; let but the critic point me out a single affected or vicious expression, in the three patriotic Canzoni, or in the *Chiare fresche e dolci acque*, or in the *Tre Sorelle*,' &c. (he names several others), 'or in truth in any of the rest, excepting one or two only.' He then recommends to us, that 'instead of hunting out the errors and blemishes of these masters of our intellects, and occupying ourselves with unjust and unprofitable criticism, we should throw over them the mantle of gratitude, and recompense them with our eulogiums and applause.' In conformity with which, the author proceeds to pour out his grateful tribute on the head of the ancient laureate for two pages further, but which, as not material to the argument, we must omit.

We know no better way of answering all this, than by taking up the gauntlet thrown down to us, and we are obliged

* Tom. v. pp. 368, 378.

† Dirò essere questa una delle più solenni, delle più orribili letterarie bestemmie, che sia stata mai pronunziata o scritta da lingua o penna mortale.' p. 94.

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to him for giving us the means of bringing the matter to so speedy an issue. We will take one of the first Canzoni, of which he has challenged our scrutiny. It is in Petrarch's best manner, and forms the first of a series, which has received κατ' ἐξοχήν the title of the *Three Sisters*, (*Tre Sorelle.*) It is indited to his mistress' eyes, and the first stanza contains a beautiful invocation to these sources of a lover's inspiration; but in the second we find him relapsing into the genuine Provençale heresy.

'When I become *snow* before their *burning rays*,
Your noble pride
Is perhaps offended with my unworthiness.
Oh! If this my apprehension
Should not *temper the flame that consumes me*,
Happy should I be *to dissolve;* since in their presence
It is dearer to me to die than to live without them.
Then, that I do *not melt*,
Being so frail an object before so *potent a fire*,
It is not my own strength which saves me from it,
But principally fear,
Which *congeals* the blood wandering through my veins,
And mends the heart that it may *burn* a long time.' *

This melancholy parade of cold conceits, of fire and snow, thawing and freezing, is extracted, be it observed, from one of those choice productions, which is recommended as without a blemish; indeed, not only is it one of the best, but it was esteemed by Petrarch himself, together with its two sister odes, the very best of his lyrical pieces, and the decision of the poet has been ratified by posterity. Let it not be objected, that the spirit of an ode must necessarily evaporate

* 'Quando agli ardenti rai neve divegno;
Vostro gentile sdegno
Forse ch' allor mia indegnitate offende.
O, se questa temenza
Non temprasse l' arsura che m' incende;
Beato venir men! che 'n lor presenza
M' è più caro il morir, che 'l viver senza.
Dunque ch' i' non mi sfaccia,
Si frale oggetto a si possente foco,
Non è proprio valor, che me ne scampi;
Ma la paura un poco,
Che 'l sangue vago per le vene agghiaccia,
Risalda 'l cor, perchè più tempo avvampi.'
Canzone vii. *nell' Edizione di Muratori.*

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in a prose translation. The ideas may be faithfully transcribed, and we would submit it to the most ordinary taste, whether ideas, like those above quoted, can ever be ennobled by any artifice of expression.

We think the preceding extract, from one of the 'best of Petrarch's compositions,' may sufficiently vindicate us from the imputation of unprecedented 'blasphemy' on his poetical character; but lest an appeal be again made, on the ground of a diversity in national taste, we will endeavor to fortify our feeble judgment, with one or two authorities among his own countrymen, whom Mr Da Ponte may be more inclined to admit.

The Italians have exceeded every other people in the grateful tribute of commentaries, which they have paid to the writings of their eminent men; some of these are of extraordinary value, especially in verbal criticism, while many more by the contrary lights, which they shed over the path of the scholar, serve rather to perplex than to enlighten it.* Tassoni and Muratori are accounted among the best of Petrarch's numerous commentators; and the latter in particular has discriminated his poetical character, with as much independence as feeling. We cannot refrain from quoting a few lines from Muratori's preface, as exceedingly pertinent to our present purpose. 'Who, I beg to ask, is so pedantic, so blind an admirer of Petrarch, that he will pretend that no defects are to be found in his verses, or, *being found, will desire they should be respected with a religious silence*? Whatever may be our rule in regard to moral defects, there can be no doubt, that in those of art and science, the public interest requires, that truth should be openly unveiled, since it is important that all should distinguish the beautiful from the bad, in order to imitate the one, and to avoid the other.' † In the same tone speaks Tiraboschi. Tom. v. p. 474.

*A single ode has furnished a repast for a volume. The number of Petrarch's commentators is incredible; no less than a dozen of the most eminent Italian scholars have been occupied with annotations upon him at the same time. Dante has been equally fortunate. A noble Florentine projected an edition of a hundred volumes for the 100 cantos of the 'Commedia,' which should embrace the different illustrations. One of the latest of the fraternity, Biagioli, in an edition of Dante, published at Paris, 1818, not only claims for his master a foreknowledge of the existence of America, but of the celebrated Harveian discovery of the circulation of the blood! *Tom.* i. p. 18, *Note.* After this, one may feel less surprise at the bulk of these commentaries.

† Le Rime di F. Petrarca; con le Osservazioni di Tassoni, Muzio, e Muratori. Pref. p. ix.

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Yet more to the purpose is an observation of the Abbé Denina upon Petrarch, 'who,' says he, 'not only in his more ordinary sonnets affords obvious examples of affectation and coldness, but in his *most tender and most beautiful* compositions approaches the conceited and inflated style of which I am now speaking.' * And the 'impartial Ginguené,' a name we love to quote, confesses that 'Petrarch could not deny himself those puerile antitheses of cold and heat, of ice and flames, which occasionally *disfigure his most interesting and most agreeable pieces.*' † It would be easy to marshal many other authorities of equal weight in our defence, but obviously superfluous, since those we have adduced are quite competent to our vindication from the reproach, somewhat severe, of having uttered 'the most horrible blasphemy, which ever proceeded from the pen of mortal.'

The age of Petrarch, like that of Shakspeare, must be accountable for his defects, and in this manner we may justify the character of the poet, where we cannot that of his compositions. The Provinçale, the most polished European dialect of the middle ages, had reached its last perfection, before the fourteenth century. Its poetry, chiefly amatory and lyrical, may be considered as the homage offered by the high-bred Cavaliers of that day at the shrine of beauty; and, of whatever value for its literary execution, is interesting for the beautiful grace it diffuses over the iron age of chivalry. It was, as we have said, principally devoted to love; those who did not feel, could at least affect the tender passion; and hence the influx of subtle metaphors, and frigid conceits, that give a meretricious brilliancy to most of the Provençale poetry. The fathers of Italian verse, Guido, Cino, &c. seduced by the fashion of the period, clothed their own more natural sentiments in the same vicious forms of expression; even Dante, in his admiration, often avowed for the Troubadours, could not be wholly insensible to their influence; but the less austere Petrarch, both from constitutional temperament, and the accidental circumstances of his situation, was more deeply affected by them. In the first place, a pertinacious attachment to a mistress, whose heart was never warmed, although her vanity may have been gratified by the adulation of the finest poet of the age, seems to have maintained an inexplicable control over his affections, or his fancy, during the great-

* Vicende della Letteratura, Tom ii. p. 55. † Hist. Lit. Tom. ii. p. 566.

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er portion of his life. In the amatory poetry of the ancients, polluted with coarse and licentious images, he could find no model for the expression of this sublimated passion. But the Platonic theory of love had been imported into Italy by the fathers of the church, and Petrarch, better schooled in ancient learning than any of his cotemporaries, became early enamored of the speculative doctrines of the Greek philosophy. To this source he was indebted for those abstractions and visionary ecstacies, which sometimes give a generous elevation, but very often throw a cloud over his conceptions. And again, an intimate familiarity with the Provençale poetry, was the natural consequence of his residence in the south of France. There too he must often have been a spectator at *those metaphysical disputations in the courts of love, which* exhibited the same ambition of metaphor, studied antithesis, and hyperbole, as the written compositions of Provence. To all these causes may be referred those defects, which, under favor be it spoken, occasionally offend us, even 'in his most perfect compositions.' The rich finish, which Petrarch gave to the Tuscan idiom, has perpetuated these defects in the poetry of his country. *Decipit exemplar vitiis imitabile.* His beauties were inimitable, but to copy his errors was, in some measure, to tread in his footsteps; and a servile race of followers sprang up in Italy, who, under the emphatic name of Petrarchists, have been the object of derision or applause, as a good or a bad taste predominated in their country. Warton, with apparent justice, refers to the same source some of the early corruptions in English poetry; and Petrarch, we hope it is not 'blasphemy' to say it, becomes, by the very predominance of his genius, eminently responsible for the impurities of diction, which disfigure some of the best productions both in English literature and his own.

We trust that the free manner in which we have spoken, will not be set down by the author of the *Osservazioni*, to a malicious desire of 'calumniating' the literature of his country. We have been necessarily led to it in vindication of our former assertions. After an interval of nearly five centuries, the dispassionate voice of posterity has awarded to Petrarch the exact measure of censure and applause. We have but repeated their judgment. No one of the illustrious triumvirate of the fourteenth century, can pretend to have possessed so great an influence over his own age, and over pos-

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terity. Dante, sacrificed by a faction, was, as he pathetically complains, a wandering mendicant in a land of strangers; Boccaccio, with the interval of a few years in the meridian of his life, passed from the gaiety of a court to the seclusion of a cloister; but Petrarch, the friend, the minister of princes, devoted, during the whole of his long career, his wealth, his wide authority, and his talents, to the generous cause of philosophy and letters. He was unwearied in his researches after ancient manuscripts, and from the most remote corners of Italy, from the obscure recesses of churches and monasteries, he painfully collected the mouldering treasures of antiquity. Many of them he copied with his own hand; among the rest, all the works of Cicero; and his beautiful transcript of the epistles of the Roman orator, is still preserved in the Laurentian library at Florence. In his numerous Latin compositions, he aspired to revive the purity and elegance of the Augustan age, and if he did not altogether succeed in the attempt, he may claim the merit of having opened the soil for the more successful cultivation of later Italian scholars.

His own efforts and the generous impulse which his example communicated to his age, have justly entitled him to be considered the restorer of classical learning. His greatest glory, however, is derived from the spirit of life, which he breathed into modern letters. Dante had fortified the Tuscan idiom with the vigor and severe simplicity of an ancient language. But the graceful genius of Petrarch was wanting to ripen it into that harmony of numbers, which has made it the most musical of modern dialects. His knowledge of the Provençale enabled him to enrich his native tongue with many foreign beauties; his exquisite ear disposed him to refuse all but the most melodious combinations; and at the distance of five hundred years, not a word in him has become obsolete, not a phrase too quaint to be used. Voltaire has passed the same high eulogium upon Pascal; but Pascal lived three centuries later than Petrarch. It would be difficult to point out the writer, who so far fixed the ἔπεα πτερόεντα, the fleeting forms of expression in the English language; we certainly could not assign an earlier period, than the commencement of the last century. Petrarch's brilliant success in the Italian led to most important consequences all over Europe, by the evidence which it afforded of the capacities of a modern tongue. He relied, however, for his future fame on his

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elaborate Latin compositions, and while he dedicated these to men of the highest rank, he gave away his Italian lyrics to ballad mongers, to be chanted about the streets for their own profit. His cotemporaries authorised this judgment, and it was for his Latin eclogues, and his epic on Scipio Africanus, that he received the laurel wreath of poetry in the Capitol. But nature must eventually prevail over the decisions of pedantry or fashion. By one of those fluctuations, not very uncommon in the history of letters, the author of the Latin '*Africa*' is now known only as the lover of Laura, and the father of Italian song.

We have been led into this long, we fear tedious, exposition of the character of Petrarch, partly from the desire of defending the justice of our former criticism, against the heavy imputations of the author of the *Osservazioni*, and partly from reluctance to dwell only on the dark side of a picture so brilliant, as that of the laureate, who, in a barbarous age, with

> 'his rhetorike so swete
> Enluminid all Itaile of poetrie.'

Our limits will compel us to pass over, *currente calamo*, some less important strictures of our author.

About the middle of the last century, a bitter controversy arose between Tiraboschi, and Lampillas, a learned but intemperate Spaniard, respecting which of their two nations had the best claim to the reproach of having corrupted the other's literature in the sixteenth century. In alluding to it, we had remarked, that 'the Italian had the better of his adversary in temper, if not in argument.' The author of the *Osservazoni* styles this 'a dry and dogmatic decision, which so much displeased a certain Italian letterato, that he had promised him a confutation of it.' We know not who the indignant letterato may be, whose thunder has been so long hanging over us, but we must say, that, so far from a 'dogmatic decision,' if ever we made a circumspect remark in our lives, this was one. As far as it went, it was complimentary to the Italians; for the rest, we waved all discussion of the merits of the controversy, both because it was impertinent to our subject, and because we were not sufficiently instructed in the details to go into it. One or two reflections, however, we may now add. The relative position of Italy and Spain, political and literary, makes it highly probable that the predominant influence, of

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whatever kind it may have been, proceeded from Italy. 1. She had matured her literature to a high perfection, while that of every other nation was in its infancy, and she was of course much more likely to communicate, than to receive impressions. 2. Her political relations with Spain were such, as particularly to increase this probability in reference to her. The occupation of an insignificant corner of her own territory, (for Naples was very insignificant in every literary aspect,) by the house of Arragon, opened an obvious channel for the transmission of her opinions into the sister kingdom. 3. Any one, even an Italian, at all instructed in the Spanish literature, will admit, that this actually did happen in the reign of Charles the Fifth, the golden age of Italy; that not only, indeed, the latter country influenced, but changed the whole complexion of Spanish letters, establishing, through the intervention of her high priests, Boscan and Garcilaso, what is universally recognised under the name of an Italian school. This was an era of good taste; but when, only fifty years later, both languages were overrun with those deplorable affectations, which, in Italy particularly, have made the very name of the century (*seicento*) a term of reproach, it would seem probable, that the same country, which but so short a time before had possessed so direct an influence over the other, should through the same channels have diffused the poison with which its own literature was infected. As Marini and Gongora, however, the reputed founders of the school, were cotemporaries, it is extremely difficult to adjust the precise claims of either to the melancholy credit of originality, and after all, the question to foreigners can be one of little interest or importance.

Much curiosity has existed respecting the source of those affectations, which, at different periods, have tainted the modern languages of Europe. Each nation is ambitious of tracing them to a foreign origin, and *all* have at some period or other agreed to find this in Italy. From this quarter the French critics derive their *style précieux*, which disappeared before the satire of Molière and Boileau; from this the English derive their *metaphysical* school of Cowley; and the *cultismo*, of which we have been speaking, which Lope and Quevedo condemned by precept, but authorised by example, is referred by the Spaniards to the same source. The early celebrity of Petrarch, and his vicious imitators, may afford a

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specious justification of all this. But a generous criticism may perhaps be excused in referring them to a more ancient origin. The Provençale for three centuries was the most popular, and, as we have before said, the most polished dialect in Europe. The language of the people all along the fertile coasts of the Mediterranean, it was also the language of poetry in most of the polite courts in Europe; in those of Toulouse, Provence, Sicily, and of several in Italy; it reached its highest perfection under the Spanish nobles of Arragon; it passed into England in the twelfth century with the dowry of Eleanor of Guienne and Poictou; even kings did not disdain to cultivate it, and the lionhearted Richard, if report be true, could embellish the rude virtues of chivalry with the milder glories of a Troubadour.* When this precocious dialect had become extinct, its influence still remained. The early Italian poets gave a sort of classical sanction to its defects; but while their genius may thus, with justice, be accused of scattering the seeds of corruption, the soil must be confessed to have been universally prepared for their reception at a more remote period.

Thus the metaphysical conceits of Cowley's school, which Dr Johnson has referred to Marini, may be traced through the poetry of Donne, of Shakspeare and his cotemporaries, of Surry, Wyatt, and Chaucer, up to the fugitive pieces of the thirteenth and fourteenth centuries, which have been redeemed from oblivion by the diligence of the antiquarian. In the same manner, the religious and amatory poetry of Spain at the close of the thirteenth century, as exhibited in their *Cancioneros*, displays the same subtleties and barbaric taste for ornament, from which few of her writers, even in the riper season of her literature, have been wholly uncontaminated. Perhaps the perversities of Voiture and of Scudery may find as remote a genealogy in France. The corruptions of the Pleiades may afford one link in the chain, and

* Every one is acquainted with Sismondi's elegant treatise on the Provençale poetry. It cannot, however, now be relied on as of the highest authority. The subject has been much more fully explored, since the publication of his work, by Mons. Raynouard, Secretary of the French Academy. His *Poésies des Troubadours* has now reached the sixth volume; and W. A. Schlegel, in a treatise of little bulk, but great learning, entitled *Observations sur la Langue et la Littérature Provençale*, has pronounced it, by the facts it has brought to light, to have given the *coup de grace* to the theory of Father Andrés, whom Sismondi has chiefly followed.

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any one, who has leisure, might verify our suggestions. Almost every modern literature seems to have contained, in its earliest germs, an active principle of corruption. The perpetual lapses into barbarism have at times triumphed over all efforts of sober criticism; and the perversion of intellect, for the greater part of a century, may furnish to the scholar an ample field for humiliating reflection. How many fine geniuses in the condemned age of the *seicentisti*, wandering after the false lights of Marini and his school, substituted cold conceits for wit, puns for thoughts, and wire drawn metaphors for simplicity and nature! How many with Cowley exhausted a genuine wit, in hunting out remote analogies and barren combinations; or with Lope, and even Calderon, devoted pages to curious distortions of rhyme, to echoes or acrostics, in scenes which invited all the eloquence of poetry! Prostitutions of genius like these not merely dwarf the human mind, but carry it back centuries to the scholastic subtleties, the alliterations, anagrams, and thousand puerile devices of the middle ages.

But we have already rambled too far from the author of the 'Osservazioni.' Our next rock of offence is a certain inconsiderate astonishment, which we expressed, at the patience of his countrymen under the infliction of epics of thirty and forty cantos in length; and he reminds us of our corresponding taste, equally unaccountable, for novels and romances, spun out into an interminable length, like those, for example, by the author of Waverley. [p. 82 to 85.] A liberal criticism, we are aware, will be diffident of censuring the discrepancies of national tastes. Where the value of the thought is equal, the luxury of polished verse, and poetic imagery, may yield a great superiority to poetry over prose, particularly with a people so sensible to melody, and of so vivacious a fancy, as the Italians. But then to accomplish all this requires a higher degree of skill in the artist; and mediocrity in poetry is intolerable.

> Mediocribus esse poetis
> Non homines, non Dî, non concessêre columnæ.

Horace's maxim is not the less true for being somewhat stale. D'Alembert has uttered a sweeping denunciation against all long works in verse, as impossible to be read through without experiencing *ennui*; from which he does

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not except even the masterpieces of antiquity.* What would he have said to a second rate Italian epic, wire drawn into thirty or forty cantos of the *incredibilia* of chivalry!

The English novel, if decently executed, may convey some solid instruction, in its details of life, of human character, and of passion. But the tales of chivalry, the overcharged pictures of an imaginary state of society, of 'Gorgons, hydras, and chimeras dire,' can be regarded only as an intellectual *relaxation.* In a less polished dialect, and in a simpler age, they beguiled the tedious evenings of our unlettered Norman ancestors; and as late as Elizabeth's day, they incurred their parting malediction from the worthy Ascham, as 'stuff for wise men to laugh at, whose whole pleasure standeth in open manslaughter and bold bawdry.' The remarks in our article, of course, had no reference to the *chef d' œuvres* of their romantic muse, many of which we had been diligently commending. It is the prerogative of genius, we all know, to consecrate whatever it touches.

Some other of our general remarks seem to have been barbed arrows to the patriot breast of the author of the 'Osservazioni.' Such are our reflections on 'the want of a moral or philosophical aim in the ornamental writings of the Italians;' on 'love, as suggesting the constant theme and impulse to their poets;' on the evil tendency of their language, in seducing their writers into 'an overweening attention to sound.' There are few general reflections, which have the good fortune not to require many, and sometimes very important exceptions. The physiognomy of a nation, whether moral or intellectual, must be made up of those features, which arrest the eye most frequently and forcibly on a wide survey of them. Yet how many individual portraits, after all, may refuse to correspond with the prevailing one. The Bœotians were dull to a proverb;† yet the most inspired, in the most inspired region of Greek poetry, was a Bœotian. The most amusing of Greek prose writers was a Bœotian. Or, to take recent examples, when we find the 'accurate Ginguené' speaking of 'the *universal* corruption of taste in Italy, during the seventeenth century,' or Sismondi telling us that 'the abuse of wit extinguished there, during that age, *every other species of talent*,' we are obviously not to nail them down to a

* Œuvres Philosophiques, &c. Tom. iv. p. 152.

† 'Sus Bœotica, auris Bœotica, Bœoticum ingenium.'

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pedantic precision of language, or how are we to dispose of some of the finest poets and scholars Italy has ever produced; of Chiabrera, Filicaja, Galileo, and other names sufficiently numerous to swell into a bulky quarto of Tiraboschi? The same pruning principle applied to writers, who, like Montesquieu, Madame de Staël, and Schlegel, deal in general views, would go near to strip them of all respect or credibility.

But it is frivolous to multiply examples. Dante, Tasso, Alamanni, Guidi, Petrarch often, the generous Filicaja always, with doubtless very many others, afford an honorable exception to our remark, on the want of a moral aim in the lighter walks of Italian letters; and to many of these, by indirect criticism, we accorded it in our article. But let any scholar cast his eye over the prolific productions of their romantic muse, which even Tiraboschi censures as 'crude and insipid,'* and Gravina deplores as having 'excluded the light of truth' from his countrymen;† or on their thousand tales of pleasantry and love, which since Boccaccio's example have agreeably perpetuated the ingenious inventions of a barbarous age;‡ or round 'the circle of frivolous extravagancies,' as Salfi § characterises the burlesque novelties, with which the Italian wits have regaled the laughterloving appetite of their nation; or on their hecatombs of *amorous* lyrics alone, and he may accept, in these saturated varieties of the national literature, a decent apology, if not an ample justification, for our assertion.

But are we not to speak of 'love as furnishing the great impulse to the Italian poet,' and 'as prevailing in his bosom

* Lett. Ital. Tom. vii. P. III. s. 42.

† Ragion Poetica, p. 14.

‡ The Italian Novelle, it is well known, were originally suggested by the French Fabliaux of the 12th and 13th centuries. It may be worthy of remark, that while in Italy these amusing fictions have been diligently propagated from Boccaccio to the present day, in England, although recommended by a genius like Chaucer, they have scarcely been adopted by a single writer. The same may be said of them in France, their native soil, with perhaps a solitary exception in the modern imitations by La Fontaine, himself inimitable.

§ This learned Italian is now employed in completing the unfinished history of M. Ginguené. With deference to the opinions of the author of the 'Osservazioni,' (vide pp. 115, 116,) we think he has shown in it a more independent and impartial criticism, than his predecessor. His own countrymen seem to be of the same opinion, and in a recent flattering notice of his work, they have qualified their general encomium with more than one rebuke on the severity of his strictures. *Vide Antologia for April,* 1824.

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far over every other affection or relation in life?' Have not their most illustrious writers, Dante, Petrarch, Boccaccio, Sannazarius, Tasso, nay philosophic prelates like Bembo, politic statesmen like Lorenzo, embalmed the names of their mistresses in verse, until they have made them familiar in every corner of Italy as their own? Is not nearly half of the miscellaneous selection of lyrics, in the vulgar edition of 'Italian classics,' exclusively amatory? Had Milton, Dryden, Pope, or still more such solid personages as Bishop Warburton or Dr Johnson (whose 'Tetty' we suspect never stirred the Doctor's poetic feeling), dedicated not a passing sonnet, but whole volumes to their Beatrices, Lauras, and Leonoras, we think a critic might well be excused in regarding the tender passion, as the *vivida vis* of the English author. Let us not be misunderstood, however, as implying that nothing but this amorous incense escapes from the Italian lyric muse. To the exceptions which the author of the *Osservazioni* has enumerated, he might have added, had not his modesty forbidden him, as inferior to none, the inspired sacred melodies which adorn his own autobiography; above all, the magnificent canzone on the 'Death of Leopold,' which can derive nothing from our commendation, when a critic like Mathias has declared it to have 'secured to its author a place on the Italian Parnassus, by the side of Petrarch and Chiabrera.'*

As to our remark on the tendency of the soft Italian tones, 'to seduce their writers into an overweening attention to sound,' we are surprised that this should have awakened two such grave pages of admonition from our censor. Why, we were speaking of

> 'The Tuscan's syren tongue,
> That music in itself, whose sounds are song.'

We thought the remark had been as true as it was old. We cannot but think there is something in it, even now, as we are occasionally lost in the mellifluous redundances of Bembo or Boccaccio, those celebrated models of Italian eloquence. At any rate, our remark fell far short of the candid confession

* A letter from Mr Mathias, which fell into our hands sometime since, concludes a complimentary analysis of the above canzone, with this handsome eulogium. 'After having read and reflected much on this wonderful production, I believe, that if Petrarch could have heard it, he would have assigned to its author a seat very near to his own, without requiring any other evidence of his vivacious, copious, and sublime genius.'

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of Bettinelli, who, in speaking of historical writing, observes that 'in this, as in every other department of literature, his countrymen have been more solicitous about *style*, and ingenious turns of thought, than utility or good philosophy.'*

But we must hasten to the last, not by any means the least offence recorded on the roll of our enormities. This is an illomened stricture on the poetical character of Metastasio; for which the author of the *Osservazioni*, after lavishing upon him a shower of golden compliments at our expense, proceeds to censure us, as 'wanting in respect to this famous man; as perspicacious only in detecting blemishes; as guilty of extravagant and unworthy expressions; which prove that we cannot have read or digested the works of this exalted dramatist, nor those of his biographers, nor of his critics.' pp. 98—111. And what, think you, gentle reader, invited these unsavory rebukes, with the dozen pages of panegyrical accompaniment on his predecessor? 'The melodious rhythm of Tasso's verse has *none of the monotonous sweetness so cloying in Metastasio.*' In this italicised line lies the whole of our offending; no more.

We shall consult the comfort of our readers, by disposing of this point as briefly as possible. We certainly do not feel, and we will not affect that profound veneration for Metastasio, which the author of the *Osservazioni* professes, and which may have legitimately descended to him with the inheritance of the Cæsarean laurel. We have always looked upon his *Operas*, as exhibiting an effeminacy of sentiment, a violent contrivance of incident, and an extravagance of character, that are not wholly to be vindicated by the constitution of the Musical Drama. But nothing of all this was intimated in our unfortunate suggestion; and as we are unwilling to startle anew the principles or prejudices of our highly respectable censor, we shall content ourselves with bringing into view one or two stout authorities, behind whom we might have entrenched ourselves, and resign the field to him.

The author has presented his readers with an abstract of about forty pages of undiluted commendation on his favorite poet, by the Spaniard Arteaga. We have no objection to this; but while he recommends them as the opinions of 'a learned, judicious, and indubitably impartial critic,' we think it would have been fair to temper these forty pages of com-

* Risorg. d'Italia. Introduz. Tom. i. p. 14.

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mendation with some allusion to five and thirty pages of almost unmitigated censure, which immediately follow them.* In the course of this censorious analysis, it may be noticed, that the 'impartial Arteaga,' speaking of the common imputation of *monotony in the structure of Metastasio's verse, and of his periods*, far from acquitting him, expressly declines passing judgment upon it.

But we may find ample countenance for our 'irreverent opinion' in that of Ugo Foscolo, a name of high consideration both as a poet and a critic, and whom, for his perspicacity in the latter vocation, our author on another occasion has himself cited and eulogised, as his 'magnus Apollo.' Speaking incidentally of Metastasio, he observes; 'to please the court of Vienna, the musicians, and the public of his day, and to gratify the delicacy of his own feminine taste, Metastasio has reduced his *language and versification to so limited a number of words, phrases, and cadences, that they seem always the same*, and in the end produce only the effect of a flute, which conveys rather delightful melody, than quick and distinct sensations.'† To precisely the same effect speaks W. A. Schlegel, in his eighth lecture on Dramatic Literature, whose acknowledged excellence, in this particular department of criticism, may induce us to quote him, although a foreigner. These authorities are too pertinent and explicit to require the citation of any other; or to make it necessary, by a prolix but easy enumeration of extracts from the poet, more fully to establish our position.

Hic aliquid plus
Quam satis est.

We believe we are quite as weary, as our readers, of the very disagreeable office of dwelling on the defects of a literature so beautiful, and for which we feel so sincere an admiration, as the Italian. The severe impeachment made, both upon the spirit and the substance of our former remarks, by so accomplished a scholar as the author of the *Osservazioni*, has necessarily compelled us to this course in self defence. The tedious parade of citations must be excused, by the necessity of buoying up our opinions in debatable matters of taste, by those whose authority alone,

* Le Rivoluzioni del Teatro Musicale, &c. pp. 375—410.
† Essays on Petrarch, p. 93.

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our censor is disposed to admit; that of his own countrymen. He has emphatically repeated his distrust of the capacity of foreigners to decide upon subjects of literary taste. Yet the extraordinary diversity of opinion, manifest between him and those eminent authorities whom we have quoted, might lead us to anticipate but little correspondence in the national criticism. An acquaintance with Italian history will not serve to diminish our suspicions; and the feuds, which, from the learned but querulous scholars of the fifteenth century, to those of our own time, have divided her republic of letters, have not been always carried on with the bloodless weapons of scholastic controversy.*

That some assertions too unqualified, some errors, or prejudices should have escaped in the course of fifty or sixty pages of remark, is to be expected from the most circumspect pen. But a benevolent critic, instead of fastening upon these, will embrace the spirit of the whole, and by this interpret and excuse any specific inaccuracy. It may not be easy to come up to the standard of our author's principles, it may be his partialities, in estimating the intellectual character of his country; but we think we can detect one source of his dissatisfaction with us, in his misconception of our views; which, according to him, were, that 'a particular knowledge of the Italian should be widely diffused in America.' This he quotes and requotes with peculiar emphasis, objecting it to us as perfectly inconsistent with our style of criticism. Now in the first place, we made no such declaration. We intended only to give a veracious analysis of one branch of Italian letters. But, secondly, had such been our design, we doubt exceedingly, or rather we do not doubt, whether the best way of effecting it, would be by indiscriminate panegyric. The amplification of beauties, and the prudish concealment of all defects, would carry with it an air of insincerity, that must dispose the mind of every ingenuous reader to reject it. Perfection is not the lot of humanity more in Italy than elsewhere. Such intemperate panegyric is, moreover, unworthy

* Take two familiar examples; that of Caro, and that of Marini. The adversary of the former poet, accused of murder, heresy, &c. was condemned by the Inquisition, and compelled to seek his safety in exile. The adversary of Marini, in an attempt to assassinate him, fortunately shot only a courtier of the king of Sardinia. In both cases, the wits of Italy, ranged under opposite banners, fought with incredible acrimony, during the greater part of a century. The subject of fierce dispute, in both instances, was a *sonnet!*

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of the great men who are the objects of it. They really shine with too brilliant a light to be darkened by a few spots; and to be tenacious of their defects, is in some measure to distrust their genius. *Rien n'est beau, que le vrai*, is the familiar reflection of a critic, whose general maxims in his art are often more sound than their particular application.

Notwithstanding the difficulty urged by Mr Da Ponte, of forming a correct estimate of a foreign language, the science of general literary criticism and history, which may be said to have entirely grown up within the last fifty years, has done much to eradicate prejudice, and enlarge the circle of genuine knowledge. A century and a half ago, 'the best of English critics,'* in the opinion of Pope and Dryden, could institute a formal examination, and, of course, condemnation of the plays of Shakspeare 'by the practice of the ancients.' The best of French critics,† in the opinion of every one, could condemn the 'Orlando Furioso,' for wandering from the rules of Horace; even Addison in his triumphant vindication of the 'Paradise Lost' seems most solicitous to prove its conformity with the laws of Aristotle; and a writer like Lope de Vega felt obliged to apologise for the independence, with which he deviated from the dogmas of the same school, and adapted his beautiful inventions in the drama to the peculiar genius of his own countrymen.‡ The magnificent fables of Ariosto and Spenser were stigmatised as *barbarous*, because they were not *classical;* and the polite scholars of Europe sneered at 'the bad taste, which could prefer an "Ariosto to aVirgil, a Romance to an Iliad."'§ But the re-

* 'The Tragedies of the last Age, considered and examined by the practice of the Ancients, &c' By Thomas Rymer. London, 1678.

† 'Dissertation critique sur l'Aventure de Joconde.' Œuvres de Boileau, Tom. ii.

‡ 'Arte de hacer Comedias.' Obras Sueltas, Tom. iv. p. 406.

Y quando he de escribir una Comedia,
Encierro los preceptos con seis llaves;
Saco a Terencio y Plauto de mi estudio
Para que no me den voces, que suele
Dar gritos la verdad en libros mudos; &c.

§ See Lord Shaftesbury's 'Advice to an Author;' a treatise of great authority in its day, but which could speak of the '*Gothic* Muse of Shakspeare, Fletcher, and Milton, as lisping with stammering tongues, that nothing but the youth and rawness of the age could excuse!' Sir William Temple, with a purer taste, is not more liberal. The term *Gothic*, with these writers, is applied to much the same subjects with the modern term *Romantic*, with

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conciling spirit of modern criticism has interfered; the character, the wants of different nations and ages have been consulted; from the local beauties peculiar to each, the philosophic inquirer has deduced certain general principles of beauty applicable to all; petty national prejudices have been extinguished; and a difference of taste, which for that reason alone, was before condemned as a deformity, is now admired as a beautiful variety in the order of nature.

The English, it must be confessed, can take little credit to themselves for this improvement. Their researches in literary history amount to little in their own language, and to nothing in any other. Warton, Johnson, and Campbell have, indeed, furnished an accurate inventory of their poetical wealth. But, except it be in the limited researches of Drake and of Dunlop, what record have we of all their rich and various prose? As to foreign literature, while all other cultivated nations have been developing their views, in voluminous and valuable treatises, the English have been profoundly mute.* Yet for several reasons they might be expected to make the best general critics in the world, and the collision of their judgments in this matter, with those of the other European scholars, might produce new and important results.

The author of the *Osservazioni* has accused us of being too much under the influence of his enemies, the French. (p. 112.) There are slender grounds for this imputation. We have

this difference; the latter is simply a distinctive, while the former was also an opprobrious epithet.

* The late translation of Sismondi's 'Southern Europe,' is the only one, we believe, which the English possess of a detailed literary history. The discriminating taste of this sensible Frenchman, has been liberalised by his familiarity with the languages of the North. His knowledge, however, is not always equal to his subject; and the credit of his opinions is not unfrequently due to another. The historian of the 'Italian Republics' may be supposed to be at home in treating of Italian letters; and this is undoubtedly the strongest part of his work. But in what relates to Spain, he has helped himself 'manibus plenis' from Bouterwek; much too liberally, indeed, for the scanty acknowledgments made by him to the accurate and learned German. Page upon page is *literally translated* from him. Sismondi's work, however, is intrinsically valuable for its philosophical illustrations of the *character* of the Spaniards, by the peculiarities of their literature. His analysis of the national drama, as opposed to that of Schlegel, is also extremely ingenious. Is it not more sound than that of the German? We trust that this hitherto untrodden field, in our language, will be entered before long by one of our own scholars, whose researches have enabled him to go much more extensively into the Spanish department, than either of his predecessors.

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always looked upon this fastidious people, as the worst general critics possible; and we scarcely once alluded to their opinions in the course of our article, without endeavoring to controvert them. The truth is, while they have contrived their own system with infinite skill, and are exceedingly acute in detecting the least violation of it, they seem incapable of understanding why it should not be applied to every other people, however opposite its character from their own. The consequence is obvious. Voltaire, whose elevated views sometimes advanced him to the level of the generous criticism of our own day, is by no means an exception. His Commentaries on Corneille are filled with the finest reflections imaginable on that eminent poet, or rather on the French drama; but the application of these same principles to the productions of his neighbors leads him into the grossest absurdities. 'Addison's Cato is the only well written tragedy in England.' 'Hamlet is a barbarous production, that would not be endured by the meanest populace in France or Italy.' 'Lope de Vega and Calderon familiarised their countrymen with all the extravagancies of a gross and ridiculous drama.' But the French theatre, modelled upon the ancient Greek, can boast 'of more than twenty pieces which surpass their most admirable *chef-d' œuvres*, without excepting those of Sophocles or Euripides.' So in other walks of poetry, Milton, Tasso, Ercilla, occasionally fare no better. 'Who would dare to talk to Boileau, Racine, Molière, of an epic poem upon Adam and Eve!' Voltaire had one additional reason for the exaltation of his native literature at the expense of every other. He was himself at the head, or aspired to be, of every department in it.

Madame de Staël is certainly an eminent exception, in very many particulars, to the general character of her nation. Her defects, indeed, are rather of an opposite cast. Instead of the narrowness of conventional precept, she may be sometimes accused of vague and visionary theory; instead of nice specific details, of dealing too freely in abstract and independent propositions. Her faults are of the German school; which she may have in part imbibed from her intimacy with their literature (no common circumstance with her countrymen), from her residence in Germany, and from her long intimacy with one of its most distinguished scholars, who lived under the same roof with her for many years. But

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with all her faults she is entitled to the praise of having showed a more enlarged and truly philosophical spirit of criticism than any of her countrymen.

The English have never yielded to the arbitrary legislation of academies; their literature has at different periods exhibited all the varieties of culture, which have prevailed over the other European tongues; and their language, derived both from the Latin and the Teutonic idiom, affords them a much greater facility for entering into the spirit of foreign letters, than can be enjoyed by any other European people, whose language is derived almost exclusively from one or the other of these elements. With all these peculiar facilities for literary history and criticism, why, with their habitual freedom of thought, have they remained in it, so far behind every other cultivated nation?

ART. X.—*Occasional Pieces of Poetry.* By JOHN G. C. BRAINARD. 12mo. pp. 111. New York, Bliss & White.

ACCORDING to the definition of Lord Bacon, 'poesy is a kind of learning, in words restrained, in matter loose and licensed;' and again he says, 'poesy is as it were a dream of knowledge, a sweet pleasing thing full of variations.' All the parts of this definition agree well with the practice of our modern poets, except the first. They have dreams, or, as Jeremy Taylor would call them, 'quiddities of a dream,' and variations, and license, and 'matter loose,' and 'sweet pleasing things' in abundance; but as for using 'words restrained,' this is a part of the art for which they seem to entertain very little respect. The besetting sins of our cotemporary poets are eccentricity and haste, a vehement desire to think and talk as nobody ever thought and talked before, and to make the largest drafts on the bounty of the Muse in the shortest space of time. It is deemed a much more remarkable feat to say a strange than a true thing, and to draw startling images, than to paint after nature. It is not enough to write poetry in the good old way, as Virgil, and Milton, and Dryden, and Pope have written it, but there must be some new and extravagant conceit, either in language, measure, or sentiment, some

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high 'imaginings' and adventures of deep thought, that shall astonish and confound, if they do not charm and bear away the reader. Hence untrod paths are daily sought out on the sides of Parnassus, and many a painful struggle is ineffectually made in attempting to climb upward against obstacles, which no human arm can overcome.

These remarks apply only in a limited degree to Mr Brainard. The instances are rare, in which the charge of affectation can be made against him, whatever may be his faults of taste and execution; or in which his practice can be said to sanction the doctrine, that

> 'One line for sense, and one for rhyme,
> Is quite enough at any time.'

He seldom aims at more than he can accomplish; the chief misfortune with him is, that he should be contented sometimes to accomplish so little, and this little in so imperfect a manner. That he possesses much of the genuine spirit and power of poetry, no one can doubt, who reads some of the pieces in this volume, yet there are others, which, if not absolutely below mediocrity, would never be suspected as coming from a soil, that had been watered with Castalian dews. They might pass off very well as exercises in rhyme of an incipient poet, the first efforts at pluming the wing for a bolder flight, and they might hold for a day an honorable place in the corner of a gazette, but to a higher service, or more conspicuous station, they could not wisely be called. In short, if we take all the author's compositions in this volume together, nothing is more remarkable concerning them than their inequality; the high poetical beauty and strength, both in thought and language, of some parts, and the want of good taste and the extreme negligence of others. We will endeavor to illustrate our meaning by such extracts as our limits will admit.

The following lines are on the 'Fall of Niagara,' and among all the tributes of the Muse to that great wonder of nature, we do not remember any so comprehensive and forcible, and at the same time so graphically correct, as this.

> The thoughts are strange that crowd into my brain,
> While I look upward to thee. It would seem
> As if God pour'd thee from his 'hollow hand,'
> And hung his bow upon thy awful front;

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And spoke in that loud voice, which seem'd to him
Who dwelt in Patmos for his Saviour's sake,
'The sound of many waters;' and had bade
Thy flood to chronicle the ages back,
And notch His cent'ries in the eternal rocks.

Deep calleth unto deep. And what are we,
That hear the question of that voice sublime?
Oh! what are all the notes that ever rung
From war's vain trumpet, by thy thundering side!
Yea, what is all the riot man can make
In his short life, to thy unceasing roar!
And yet, bold babbler, what art thou to HIM,
Who drown'd a world, and heap'd the waters far
Above its loftiest mountains?—a light wave,
That breaks, and whispers of its Maker's might.

This picture could only be drawn by a poet. The thoughts rise to the sublimity of the subject, and it would not be easy to express them in finer language, or with more strict conformity to the Baconian rule of 'words restrained.' But besides the beauty and power of this description, it has the merit of truth. Whoever has descended into the deep chasm through which the river passes below the Falls, and crossed the foaming current in the small boat at that place, and looked upward to the ocean of waters that are pouring their immense volumes into the abyss, and seen the rainbow stretching its arch over the cataract, and heard the heavy, hollow thunders, which seem to come from beneath and echo from the uplifted rocks on every side, whoever has witnessed this scene will recognise the accurate lineaments, not less than the poetical beauty, of the author's description.

The lines 'On a Late Loss,' though of a different character from the preceding, are not unworthy to be placed in their company. They relate to the loss of the lamented Professor Fisher, in the shipwreck of the Albion.

The breath of air that stirs the harp's soft string,
Floats on to join the whirlwind and the storm;
The drops of dew exhaled from flowers of spring,
Rise and assume the tempest's threatening form;
The first mild beam of morning's glorious sun,
Ere night, is sporting in the lightning's flash;
And the smooth stream, that flows in quiet on,
Moves but to aid the overwhelming dash

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That wave and wind can muster, when the might
Of earth, and air, and sea, and sky unite.

So science whisper'd in thy charmed ear,
And radiant learning beckon'd thee away.
The breeze was music to thee, and the clear
Beam of thy morning promis'd a bright day.
And they have wreck'd thee !—But there is a shore
Where storms are hush'd, where tempests never rage;
Where angry skies and blackening seas no more
With gusty strength their roaring warfare wage.
By thee its peaceful margent shall be trod—
Thy home is Heaven, and thy friend is God.

The stanzas entitled 'Salmon River' have merit, both in regard to poetical imagery, and the ease and simplicity of the style. It is only necessary to know, that Salmon River is a small stream tributary to the Connecticut.

'Tis a sweet stream—and so, 'tis true, are all
That undisturbed, save by the harmless brawl
Of mimic rapid or slight waterfall,
Pursue their way
By mossy bank and darkly waving wood,
By rock, that since the deluge fix'd has stood,
Showing to sun and moon their crisping flood
By night and day.

But yet, there's something in its humble rank,
Something in its pure wave and sloping bank,
Where the deer sported, and the young fawn drank
With unscar'd look;
There's much in its wild history, that teems
With all that's superstitious—and that seems
To match our fancy and eke out our dreams,
In that small brook.

Havoc has been upon its peaceful plain,
And blood has dropp'd there like the drops of rain;
The corn grows o'er the still graves of the slain—
And many a quiver,
Fill'd from the reeds that grew on yonder hill,
Has spent itself in carnage. Now 'tis still,
And whistling ploughboys oft their runlets fill
From Salmon River.

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Here, say old men, the Indian Magi made
Their spells by moonlight; or beneath the shade
That shrouds sequestered rock, or dark'ning glade,
Or tangled dell.
Here Philip came, and Miantonimo,
And asked about their fortunes long ago,
As Saul to Endor, that her witch might show
Old Samuel.

And here the black fox rov'd, that howl'd and shook
His thick tail to the hunters, by the brook
Where they pursued their game, and him mistook
For earthly fox;
Thinking to shoot him like a shaggy bear,
And his soft peltry, stript and dress'd, to wear,
Or lay a trap, and from his quiet lair
Transfer him to a box.

Such are the tales they tell. 'Tis hard to rhyme
About a little and unnoticed stream,
That few have heard of—but it is a theme
I chance to love;
And one day I may tune my rye-straw reed,
And whistle to the note of many a deed
Done on this river—which, if there be need,
I'll try to prove.

The allusion to the 'black fox' can only be understood by those, who are acquainted with the superstition on the subject. The author has given a poetical explanation of the legend, entitled the 'Black Fox of Salmon River,' to which we refer such of our readers, as wish to be better informed of the matter.

The 'Sonnet to the Sea Serpent' is as good, perhaps, as any sonnet on such a subject can be, and were it not for the dragging prose of the last line, it would not be extravagant to call it an excellent specimen of this kind of composition.

Welter upon the waters, mighty one—
And stretch thee in the ocean's trough of brine;
Turn thy wet scales up to the wind and sun,
And toss the billow from thy flashing fin;
Heave thy deep breathings to the ocean's din,
And bound upon its ridges in thy pride;
Or dive down to its lowest depths, and in

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The caverns where its unknown monsters hide,
Measure thy length beneath the gulf-stream's tide—
Or rest thee on that navel of the sea
Where, floating on the Maelstrom, abide
The krakens sheltering under Norway's lee;
But go not to Nahant, lest men should swear,
You are a great deal bigger than you are.

By what authority 'scales and fins' are assigned to the sea serpent we know not; the monster has generally been supposed to be of the snake kind; but the author has doubtless a right to assume these properties, even without screening himself under the shield of poetical license, till their nonexistence shall be demonstrated.

Mr Brainard is sometimes successful in his humorous descriptions. The subjoined 'Fragment' has often been printed, yet, as it will bear many readings, we shall transcribe it entire. It is founded on an event, which occurred two or three years ago at New London. During a heavy rain storm, a schooner was at anchor in the river, and was run foul of in the night by a Methodist Meetinghouse, which had been carried away by the freshet, and floated down the stream. The 'Fragment' consists of the Captain's soliloquy.

Solemn he pac'd upon that schooner's deck,
And muttered of his hardships:—'I have been
Where the wild will of Mississippi's tide
Has dash'd me on the sawyer;—I have sail'd
In the thick night along the wave-wash'd edge
Of ice, in acres, by the pitiless coast
Of Labrador; and I have scrap'd my keel
O'er coral rocks in Madagascar seas—
And often in my cold and midnight watch,
Have heard the warning voice of the lee shore
Speaking in breakers! Ay, and I have seen
The whale and sword-fish fight beneath my bows;
And when they made the deep boil like a pot,
Have swung into its vortex; and I know
To cord my vessel with a sailor's skill,
And brave such dangers with a sailor's heart;
—But never yet upon the stormy wave,
Or where the river mixes with the main,
Or in the chafing anchorage of the bay,
In all my rough experience of harm,
Met I—a Methodist meetinghouse!

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* * * * *

Cat-head, or beam, or davit has it none,
Starboard nor larboard, gunwale, stem nor stern!
It comes in such a 'questionable shape,'
I cannot even *speak* it! Up jib, Josey,
And make for Bridgeport! There, where Stratford Point,
Long Beach, Fairweather Island, and the buoy,
Are safe from such encounters, we 'll *protest!*
And Yankee legends long shall tell the tale,
That once a Charleston schooner was beset,
Riding at anchor, by a meetinghouse.

The volume contains three or four other attempts at humor, such as the 'Presidential Cotillion,' 'The Bar *versus* the Docket,' and 'The Two Comets,' but none of them can be compared to the one just quoted. They all, indeed, have striking defects, abounding in low images and puerile conceits. Take for example these lines from the 'Presidential Cotillion.'

There was room for a set just below, and each buck
Had a belle by his side, like a drake with his duck;
But the first set attracted the whole room's attention,
For they cut the capers most worthy of mention.

The following specimen is from 'The Bar *versus* the Docket.'

Thus solemnly spoke the Bar's counsel, and sigh'd—
The Garnishee plainly and frankly replied,
That he had no effects, and could not get enough
To pay his own debt, which he thought rather tough.

The next is from the 'Two Comets.' Phaeton, it must be understood, is seated in the car of his father Phœbus.

The *crack* of his whip, like the *breaking* of day,
Warmed the wax in the ears of the leaders, and they
With a snort, like the fog of the morning, cleared out
For the West, as young Phaey meant to get there about
Two hours before sunset.

It is presumed, that no one will insist on such a perversion of terms, as to call these things poetry. Another passage of a similar character is found in a piece, written for a Lady's Commonplace Book. The author is talking of the Muse, and says,

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But for *you*, she shall trip it, wherever she goes,
As light and fantastic as L'Al'legro's toes;
Wade, swim, fly, or scamper, full-fledg'd and webb-footed,
Or on Pegasus mounted, well spurr'd and well booted,
With martingale fanciful, crupper poetic,
Saddle cloth airy, and whip energetic,
Girths woven of rainbows, and hard-twisted flax,
And horse shoes as bright as the edge of an axe;
How blithe should she amble and prance on the road,
With a pillion behind for ——— ———.

But we will not pursue this branch of the subject, as we have no delight in pointing out faults. We are the more willing to do it, however, in the present instance, because the author has so many excellences to redeem them. He has committed a serious error in sending out with his name such passages as the above, and some others which might be quoted. Had he pruned his compositions with a more unsparing hand, and set a higher value on his fame, the literary public would have much reason to congratulate itself on the new acquisition to its treasures, in the volume he has contributed. The author will do wisely to forsake his humorous strain, and make poetry more of a task, and less of a pastime, than seems to have been his habit. It was a maxim with the ancients, which the moderns have never called in question, that nothing good is brought to pass without labor. No proof exists, that poets are exempt from this common fatality of the human condition. Mr Brainard's graver pieces are much superior to his lighter and more playful, and his blank verse to his rhyme.

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Art. XI.—CRITICAL NOTICES.

1.—*An Address to the Members of the Bar of Suffolk, Mass. at their Stated Meeting on the First Tuesday of March*, 1824. By William Sullivan. Boston, 1825, 8vo. pp. 63.

This is not a common oration; but a very interesting and valuable historical document, whose happy success will, we hope, be the means of giving a new character to some of our public discourses. Its author, the President of the Bar of Suffolk, if he had desired to make an eloquent harangue, could very easily have done it, with much less talent and labor than he has here exhibited. But, fortunately, this was not his purpose; and therefore, he has given us a very interesting and important mass of information concerning the passed progress and character of the Bar in the capital of Massachusetts, which is very curious to the present generation, which every day will render more valuable, and which posterity will regard as a document for the history of of our institutions and manners.

The following extracts will serve as a specimen of the work, and at the same time impart some of the curious and interesting knowledge it contains.

'Hutchinson says, (1 vol. 400,) that, for more than the first ten years, the parties spoke for themselves; but sometimes, when the cause required it, they were assisted by a *patron*, or man of superior abilities, but without fee or reward. It marks the simplicity of the times, that the jury were, by law, allowed, if they were not satisfied with the opinion of the court, "*to consult any by-stander.*"

'There were *attorneys* here, about ten years after the settlement of the Colony. There is a notice of one *Lechford*, who came over in 1637; and who returned to England in 1641. He published a pamphlet called *Plain Dealing*, in which he says, that when he came to New England, he found that every church member was a bishop, and not inclining to become one himself, he could not be admitted a freeman among them; that the General Court, and Quarter Sessions, exercised all the powers of Parliament, King's Bench, Common Pleas, Chancery, High Commission, Star Chamber, and of all the other Courts of England. This man committed some offence, and was debarred from pleading any man's cause but his own. Deprived of practice, he returned to England in a dissatisfied humor, which probably caused his publication.

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'In 1643 the Colony was divided into four shires. "Norfolk" included the present county of Essex, and also Dover, Exeter, Hampton, and Portsmouth.

'In 1647 the Governor and assistants ordered the importation of
2 copies of Sir Edward Coke on Littleton;
2 " of the Book of Entries;
2 " of Sir Edward Coke on Magna Charta;
2 " of the New Terms of the Law;
2 " of Dalton's Justice of the Peace;
2 " of Sir Edward Coke's Reports.

'This importation was, probably, the first introduction of the *common law* into the Colony. But a change in practice was not among its immediate consequences. No historical attempt to trace the adoption of the common law, by our ancestors, has been made. It would be a very difficult labor, and is becoming, more and more, merely matter of curiosity. At the present day, we consider the whole body of the common law, which can be applied to our condition, *as our law.*

'In 1636 the Colony of New Plymouth recognised among what they denominated their "general fundamentals," "the good and equitable laws of our nation, suitable for us in matters, which are of a civil nature, (as by the Court here has been accustomed,) wherein we have no particular laws of our own." At the same time they recognised the trial by jury, as practised in England. But the first settlers in the Massachusetts Bay Colony, did not recognise the law of England; but declared their own laws, and the law of GOD, to be their rule. After the charter of 1692, our ancestors made a formal declaration of privileges, in the spirit of *magna charta.* The common law does not appear to have been regarded under the old patent, nor after the charter of 1692, for many years. But yet its provisions were gradually adopted: in what manner, and on what occasions, cannot now be ascertained.

'The origin of our forms of process, may be traced in the volume called "The General Laws and Liberties of the Massachusetts Colony," printed in 1672. This was a revision of a code printed in 1648, of which no copy is now extant. Our process of review, so justly exploded, and our process of attachment, (which some persons think ought to be abolished,) may be traced to the early laws of the Colony.

'In 1654 there were attorneys here, some of whom practised in the Quarter Sessions, and some before the General Court, which exercised judicial as well as legislative power. In that year a law prohibited every person, who was an usual "or common attorney, in any Inferior Court," from sitting as a deputy in the General Court. It is probable, that the attorneys of these

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days, were not of importance, in society; whatever they were, very little remains of them, in any records, public or private. The early simplicity of legal proceedings, undoubtedly, continued down to the time of the charter. The judges exercised a patriarchal, rather than a judicial authority. This may be inferred from the fact, that in 1681, Mr Hinckley, Governor of Plymouth, wrote to Mr Stoughton (who seems to have been the greatest judge of his time, though not a lawyer, but originally a clergyman, and then a magistrate,) for advice on a case, which had occurred in Plymouth. Mr Stoughton replied. "The testimony you mention against the prisoner, I think, is clear, and sufficient to convict him; but in case your jury should not be of that opinion, then, if you hold yourselves strictly bound by the laws of England, no other verdict, but *not guilty* can be brought in. But according to our practice, in this *jurisdiction*, we should punish him with some grievous punishment, according to the demerit of his crime, though not found capital."

'There was no law officer in public prosecutions. Hutchinson says, (1 vol. 401,) on a verdict of not guilty, in a capital crime, it was permitted that one of the Court should rise, and charge the prisoner with some other crime, and so have a new trial ordered on such charge.

'During Sir *Edmund Andros*' short, but tyrannical reign, his secretary, the odious and rapacious *Randolph*, gives some account of the lawyers of that day. This man, in his office of secretary, considered himself entitled to all the clerkships in the country. He complained that one *West*, to whom he farmed a clerkship, "ran away" with £1000 yearly of his dues. In a letter to a correspondent in England, dated the 24th January, 1687, he says, "I have wrote you the want we have of two, or three, honest attorneys, if any such thing in nature. We have but two! one is West's creature, and came with him from New York, and drives all before him. He takes extravagant fees, and for want of more attorneys, the country cannot avoid coming to him. I have wrote Mr Blackthwaite the great necessity of judges from England."'

We hardly know what should be the effect of the very fair and accurate estimate, Mr Sullivan has made of the rewards obtained by the members of the Bar in Boston; but we should think no man would hereafter enter the profession in the Capital of Massachusetts with the hope of making a fortune, as a lawyer.

'If data were preserved, it would be easy to institute a comparison, as to the productiveness of labor in the various departments of industry, and especially as to those, which may be called purely intellectual. Some guide might thus be had in the selec-

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tion of professions; and the overstocking of any one department, might be prevented. This supposition may be illustrated by the following statement, which is far from exact, but may be sufficiently so for the present purpose.

'The average of years to which professional labor may be extended, may be thirty-eight, that is, from twenty-two to sixty years of age. A generation is said to last twenty-eight years. If we take these twenty-eight years between the first of January 1784, and the first of January 1813, we shall embrace a period as various in good and ill fortune, as any which has occurred, (the revolutionary period excepted,) or any which is likely to occur. Within this space, many attempts were made to render the profession odious. The circumstances of the country, from the peace of 1783, to the adoption of the Federal Constitution, were exceedingly oppressive. In such times, professional agency has a very direct relation to real, or imaginary evils. The vice of the times, or the unwelcome operations of government, are referred to those whose duty it is to aid, in coercing the performance of contracts, or in furnishing a legal remedy for wrongs. Our profession was most reproachfully assailed by newspaper essayists; and even the legislature entertained projects of reform in practice, a reforming which belongs, when necessary, exclusively to the courts.

'In these twenty-eight years, one hundred and twenty-seven practitioners appeared in the supreme court in this county. Of this number, thirty-four left the profession before they had been half the assumed time of thirty-eight years in practice. They left it, because they had become independent of practice, from various causes, *but not from the receipt of fees.* Of the one hundred and twenty-seven, eight withdrew in consequence of popular election, or of executive, or other appointments. Four of these returned to the practice. Fifteen left the bar before they had been nineteen years in practice, *and engaged in other pursuits.* Nineteen died before half the supposed term (of thirty-eight years) had elapsed. *Not one fourth of these left any property, acquired in the profession. A majority of them left no property.* Eleven departed from the county, to try their professional fortune elsewhere. Some of them succeeded, and some entirely failed.

'Eight may be said to have survived practice. Thirty-two of the one hundred and twenty-seven are still in practice, and to these have been added so many as to make, at present, one hundred and sixteen.

'It is probable that none of the departments of intellectual labor, presents a more discouraging view, to one who can choose

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his cast in society, than our own. No class of men devote more days of the year to responsible and wearing labor than we do. No class of men, collectively taken, have less to show as the product of labor. No class, consequently, have less hope of withdrawing from labor, and from the world, free from that solicitude, which belongs to the human heart, in relation to those, who may be left behind. The physician, the clergyman, the merchant, continue in, and feel a strong interest in their employments, to the last hours of life; while the lawyer is ever ready to escape from his slavery, when the proper opportunity offers. Our clients judge only from the *short process* of submitting a cause to a court, or to a jury. They make little account of the years, which are spent in preparatory studies; very little of the anxious and laborious hours, spent in preparing for that *seemingly short process*, while themselves are engaged in their pleasures, or devoted to repose. But this is the sombre side of the picture. If this world were intended for no other purpose, than to supply the common wants of our nature, if there were no such thing in it as the gratification of being useful to others, and serviceable to those, who come after us, in preserving, and transmitting free government, and individual, and national character, the common yeomanry of the land might claim a better existence than professional laborers. If we are poor in fee simple, in freehold, in choses in action, and in chattels; if the quarter days of the nation, and the semiannual periods of monied institutions, have no attractions for us; if we cannot expect to leave heirs, who will be thankful for our saving knowledge, or good luck, we have something to console us in our necessary connexion with the well-being of society, and in the promotion of the general good. We may relieve the dejection which comes over us, in the exhibit of professional poverty, by adverting to the confidence, which our fellow-citizens, in this free and happy land, have been pleased to repose in us. Within the memory of many who are present, the bar of Suffolk has yielded a President, and Vice President, of the United States.

'Three Chief Magistrates of this State.

'One Chief Justice, and five other Justices of the Supreme Judicial Court.

'One Judge of the United States Circuit Court, and one District Court Judge.

'Five Senators in Congress.

'Eight Representatives in Congress.

'Two Ambassadors, and one Commissioner in Europe.

'Thrice the office of Attorney General has been filled from this bar.

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'The office of President of the Senate has been twice, and the office of Speaker of the House of Representatives thrice filled by members of our fraternity.

'Fifteen of this bar have been Senators in Massachusetts.

'The office of Comptroller of the national treasury, that of Secretary of War, and that of Secretary of State, have been held by some of our members.'

We cannot leave this very interesting discourse, without again expressing a strong hope, that it may have the effect of calling forth similar publications in the different capitals and counties of our country. They would be eagerly read by the present generation, and gratefully consulted and used by the next.

2.—1. *The African Repository and Colonial Journal. No. I. March*, 1825. Published by order of the Managers of the Colonization Society. Washington.

2. *The Eighth Annual Report of the American Society for Colonizing the Free People of Colour of the United States. With an Appendix.* 8vo. pp. 69. Washington, 1825.

The American Colonization Society has commenced the publication of a periodical journal, with a view of promoting the interests of the Society, and diffusing a knowledge of its objects. The Managers state it to be the particular purpose of this work, to 'furnish the public with accurate information concerning the plans and prospects of their institution, to give a minute account of its operations, and of the condition and progress of the colony, to communicate any new and interesting intelligence which may be received relating to the geography, natural history, manners and customs of Africa; and to admit into its pages such essays as may be thought calculated to advance the interests of the Colony, or the cause of African improvement, as well as select passages from authors, who have already written on this subject, and important extracts from the reports of such foreign associations, as are making exertions to suppress the slave trade, or relieve the African race.'

A work well conducted for these ends may be made eminently serviceable to the cause, in which the Society is engaged. Ignorance of the actual state of things in Africa, of the character of the natives and resources of the country, is one of the great obstacles against which the friends of colonization have to contend; the want of an enlightened zeal in the noble objects contemplated

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is another. The plan of a periodical work is well calculated to remove this ignorance, and inspire this zeal, by presenting the subject repeatedly to the public in its different aspects, and sending abroad a mass of information, as interesting as it is novel, which could not be so conveniently communicated in any other manner. The editor has the whole compass of African history before him, from which to select important facts and draw useful results, as well as passing events to record respecting the slave trade, colonization, and African improvement. With these resources to give it value and interest, the work cannot fail to be worthy of general patronage. It may further be added, that the profits of sale are to be devoted to the purposes of the Colonization Society.

The Eighth Annual Report represents the colony to be in a prosperous condition. Mr Gurley, the Society's Agent, has visited Liberia during the past year, and his account of the state of things there, is highly encouraging. Two agents, the Rev. Mr Boyd and Dr Ayres, were commissioned a year ago to visit the middle and eastern states, as agents for the society. In their report is the following statement.

'A distinguished Member of Congress, from New England, after expressing his disbelief in the practicability of the undertaking, observed, "Gentlemen at the South, have given this subject more thought than I have, and they think differently. It is a matter in which they are more particularly interested; and I am of the opinion, that if they will bring forward any definite proposal to Congress, for which they will hold themselves responsible, and which it is in the power of Congress to grant, they ought to be assisted to a reasonable extent." He concluded by saying, "I will vote for any proposition, under the above restrictions, which Mr Clay or Mr Mercer (both of them being of the Society) will bring forward; and I am fully of the opinion, that the Representatives from the Eastern States will agree with me, in this view of the subject."

'Your Agents, in concluding their Report, beg leave to remark, that, in their opinion, little dependance can be placed upon any effectual or permanent pecuniary aid from the Northern and Eastern Sections of our country; while at the same time, they are persuaded, from what they saw and heard, that if it should please the national legislature to take this subject into consideration, and aid the cause of the Society, it will meet with almost universal approbation.'

We hope the subject will soon be brought in a proper shape before Congress, and we have no doubt, the opinion of the dis-

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tinguished member above alluded to, in regard to New England, will be verified.

3.—*Essays on some of the First Principles of Metaphysics, Ethics, and Theology.* By Asa Burton, D. D. 8vo. pp. 414. Portland, 1824. A. Shirley.

Although much the larger portion of this work is devoted to Metaphysics and Ethics, yet the author tells us that he designs it mainly as an introduction to Theology. To convince us, that he has no favorite theory to support, and no imaginary hypothesis to build up, he affirms at the beginning, that he means to take *facts*, *experience*, and *common sense* for his guides. On this foundation he hopes to erect a durable structure, consistent with the nature of things, and in harmony with all the faculties of the mind. He set himself an arduous task, and has labored with diligence to accomplish it; but with what success, we forbear to judge. The truth is, that with a good deal of simplicity of style, and apparently well disciplined habits of thinking, the author has contrived to make a book with very few attractions. He does not want method or perspicuity, two very essential requisites in treating subjects so abstruse and crabbed, as those with which he grapples, but there is a monotony in his way of writing, a sort of prosing formality, a mode of saying things without exciting interest or making an impression, which are heavy obstacles in the way of a reader.

The common metaphysical topics are first discussed, such as the faculties of the mind, the understanding, perception, memory, judgment, conscience, will, and moral agency. Then come ethics and theology, disquisitions on the nature of good and evil, on motives, and that most entangling of all subjects, the decrees and prescience of the Deity, a subject in which so many great minds have been confounded and lost, from the days of St Austin down to the present time. We have, also, an essay concerning a taste for beauty, novelty, and grandeur. The author says, 'some of the essays were written in too much haste, owing to numerous avocations and interruptions.' This is no apology. No man is excusable for writing in haste for the press, and especially on metaphysics. A political harangue, intended to influence an election, may be thrown off as rapidly as the writer chooses, and then pass for what it is worth, and be forgotten. Not so with topics of wide and lasting interest. Mr Burton uses *progress* as a verb, in imitation, we suppose, of our members of Congress.

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4.—*A Catalogue of American Minerals with their Localities; including all which are known to exist in the United States and British Provinces, and having the Towns, Counties, and Districts, in each State and Province, arranged alphabetically; with an Appendix containing additional Localities, and a Tabular View.* By SAMUEL ROBINSON, M. D. Boston. Cummings, Hilliard, & Co. 1825. 8vo. pp. 316.

THE attention, which has been bestowed on mineralogy in all parts of our country within a few years, has brought to light a vast number of interesting and valuable substances, of which notices have from time to time appeared in the various scientific journals, and similar publications.

Dr Robinson informs us, that for his own convenience he commenced a catalogue of these substances, 'having in many instances experienced much difficulty in finding localities, which had been published, and in ascertaining what minerals were near him in his excursions. Believing that this catalogue would be as useful to others as to himself, he has offered it to the public.' In doing this he has established a claim to the gratitude of all, who take an interest in this fascinating pursuit, for he has relieved them from the trouble of consulting no small number of volumes, through which the notices of minerals and localities are scattered.

This publication has no pretensions to originality, except so far as regards the arrangement. The names of the towns are arranged alphabetically under each state, and under each town we have a list of the minerals said to have been found in it, with such directions as will guide the traveller to the spot where they occur. The compiler remarks, that he is not responsible for the correctness of the notices, and has accordingly given at the end of each, the authority upon which it rests. Many of these are now known to be incorrect, and it is to be regretted that Dr Robinson did not visit the localities in person, or examine the specimens, all of which can probably be found in some of the extensive cabinets of our public institutions, or in private collections, to which access could have been readily obtained. It has unfortunately happened in this country, that in the ardor with which mineralogy has been entered upon by our students, instances are not unfrequent where a desire of being distinguished by the title of a mineralogist, has been more conspicuous than that of being an accurate observer; and hence lists of minerals have been published which cannot be fully relied on.

The work of Dr Robinson would have been more valuable,

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had it been compressed one half, and published in a less expensive form; and still more so, had more caution been observed in copying the notices of new minerals and localities.

5.—*Antiquarian Researches, comprising a History of the Indian Wars in the Country bordering on Connecticut River and Parts adjacent, and other interesting Events, from the first Landing of the Pilgrims, to the Conquest of Canada, in 1760; with Notices of Indian Depredations in the neighbouring Country, and of the first Planting and Progress of the Settlements in New England, New York, and Canada.* By E. Hoyt, Esq. Greenfield, Mass. 1824. Ansel Phelps. 8vo. pp. 312.

So fully has the history of the Indian Wars in New England been detailed by Hubbard, Morton, Church, Prince, Mather, Hutchinson, and the historians of the several states, that few original materials are to be expected at this day, which shall throw new light on the subject. Mr Hoyt informs us, however, that he had access to several documents, which had not been published, and which contained many interesting particulars, respecting Indian warfare on the Connecticut river. The rich country along the banks of that river was early settled, and the settlements in those regions were for a long time frontier posts. Being so far separated by a wilderness from the colonies on the sea coast, they were exposed to perpetual depredations from the hostile Indians; murders were often committed, houses burnt, storehouses and provisions destroyed, and every species of annoyance was suffered, which the ingenuity and cruelty of a savage enemy could inflict. Heavy and dark were the clouds of adversity, that hung over the hardy and brave people, who marched in the van of civilization in those days of privation and peril; many were the hard fought battles in which they were engaged, and many the feats of valor performed by heroes now forgotten, whose exploits would have gained for them, on the fields of Austerlitz or Waterloo, bright and imperishable wreaths of glory.

It was the author's chief purpose to make public the substance of the unpublished documents above referred to, and as the best mode of doing it, he has composed a short history of the early settlement of New England, and of the Indian wars down to the year 1760, interweaving his original facts in their proper places. He begins with a short Introduction, in which are brought together the dates and some of the principal events of the first discoveries

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and settlements in North America, comprising the voyages of the Cabots, Aubert, Verazzani, Cartier, Gilbert, Raleigh's expeditions, Chauvin's and Champlain's discoveries in Canada, accounts of the French settlements on the river St Lawrence and in Nova Scotia, of the discoveries and establishment of the Dutch at New York and on the Hudson, and of the Swedish colony on the Delaware. After an outline of these events in the introduction, the author begins his history with the landing of the pilgrims at Plymouth, and a brief enumeration of the causes, which induced them to seek a home in the wilderness of the western world. The narrative of Indian wars commences at a very early date, even before the pilgrims had taken up their residence on shore. They did not land in a body till the twentysecond of December, but as early as the seventh of that month, Miles Standish, the Joshua of the expedition, 'landed a party of men, and traversed the shore, while the remainder continued along the coast in the shallop, and the next day the party on the land fell into an ambuscade of the Indians, and received a sudden flight of arrows; a charge of musketry from the English instantly drove them from their cover, and they soon disappeared.' Such was the first salutation given by the pilgrims to the savages, to whose power they knew they must for a time entrust themselves, and with whom every motive of personal safety and religious principle urged them to cultivate the most amicable relations.

It is no wonder, that bloody and ceaseless wars followed; the policy of the first settlers seems to have been to intimidate the Indians with a show of their superior sagacity and strength, rather than to meet them with the olive branch of peace, and proffer the hand of friendship. How different was the conduct of William Penn, and how different the results. No doubt the Indians were quick to avenge a wrong, and quick to suspect one where none was meant; but our fathers forgot that these sons of the forest were savages, uncultivated, and undisciplined in the school of civilized life, and of christian morals; they forgot that they were themselves intruders in the land, and that the soil stained by the blood of their battles was the Indians' property, which the laws of nature and of right called on them to defend. We do not mean to say, that the settlers were always the aggressors, or that they could have avoided occasional wars; indeed, we will not pretend to say what they might or might not have done; but we hold it to be a truth fully established by all history, that the course which they actually pursued was oftentimes very unjustifiable, and that in their intercourse with the natives they were uniformly guided by a policy, which indicated very little knowledge of the first principles of human nature, or regard for the rights and welfare of the Indians.

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There was seldom a time, during the first hundred years of the colonial history, when wars did not prevail somewhere. The earliest serious contest was with the Pequots, a powerful tribe of Indians, whose head quarters were in the present towns of Stonington and Groton. Captain Mason attacked the Pequots in their forts, with great bravery, and gained a decided victory. The whole tribe was dispersed and conquered, and their renowned chief, Sassacus, fled to the Mohawks for refuge, by whom he was soon after slain. The war with the Pequots took place in 1637, about seventeen years after the first landing at Plymouth. The colonists were assisted in this war by the Mohegans, under their chief, Uncas, who was always a friend to the whites.

But the most celebrated contest was, what has been called *Philip's War*, which commenced about the year 1675. Philip was the Tecumseh of his time; shrewd, observing, and possessed of a vigor of intellect and character much superior to that of the Indians generally, he formed the scheme of expelling the English entirely from the country. He foresaw the fate impending over all the nations of the red men, if the numbers and strength of the new settlers were allowed to go on increasing as they had done till that time. The tree had already become a large one, and to tear it up by the roots, he clearly saw, was the only mode of stopping the evil of its growth. His plan was to unite all the Indians in the common cause, and to merge their private differences in a united war for exterminating the whites. The project was grand and imposing, and although it was not possible, even for the deep policy and extraordinary energy of Philip, to carry it entirely into effect, yet he succeeded in spreading annoyance and alarm throughout the country, and in keeping up a war of longer duration and more destructive in its effects, than any other in the annals of Indian hostility. Philip was at last killed in a skirmish with a party under command of the celebrated Captain Church, and the contest was brought to an end. This great chief lived at Mount Hope, near the present town of Bristol, in Rhode Island, and was killed in a swamp in that neighborhood. He was the son of Masassoit, with whom the pilgrims formed a league of amity soon after their establishment at Plymouth, and who remained the firm friend of the whites for fifty years. There have been various opinions respecting the causes which provoked Philip to his violent hostility, but it has never been doubted, that he was a man of great wisdom, valor, and force of mind.

Mr Hoyt devotes one chapter to what he calls the *War from the Invisible World*, in which he gives a brief history of the sanguinary era of witchcraft. The Indian disturbances growing

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out of the French wars in Queen Anne's time, and afterwards, are also dwelt upon at proper length. In short, whoever would see all the important events in the general history of the Indian wars, brought together within the smallest space, will probably find no work more to his purpose than this volume.

6.—*An Address delivered in Nashville, Tennessee, January* 12, 1825, *at the Inauguration of the President of Cumberland College.* By Philip Lindsley, D. D. President of the College. Nashville. J. Norvell. 8vo. pp. 48.

Dr Lindsley is well known by his academical and public labors, while professor and vice-president of the College at Princeton. His acceptance of the charge of Cumberland College is an event auspicious to the cause of letters in the West, and his Inaugural Address exhibits abundant proofs of his having reflected deeply on the nature and importance of his new duties, as well as on the principles and means of education in general. He takes a wide view of the subject, and examines some of the principal modes of teaching, as they have been practised in early and more recent times. From this examination he draws results suited to the condition and prospects of the western country, and his opinions are uniformly sound, liberal, and practical. He speaks at some length, and with much approbation, of the school at Hofwyl, and thinks Fellenberg's system might in part, at least, be advantageously introduced at Nashville.

The following remarks are judicious, and relate to an important subject.

'A leading defect in the American system of education, is the want of good preparatory schools. This evil is felt and acknowledged in a greater or less degree, in every part of our country. Colleges complain, and with abundant reason, that very few of their pupils come to them well taught even in the few elementary branches which their statutes require as qualifications for admission. I should be within bounds, were I to affirm, that, during my connexion with one of our most respectable colleges, not one youth in ten entered it thoroughly prepared. It cannot be supposed that the grammar schools are on a better footing in the western than in the middle states. The truth is, that no regular efficient system has as yet been adopted any where. This matter is left too much to chance, or to individual enterprise. Sufficient encouragement is not usually given to classical teachers to render their profession lucrative and honorable, so as to command the services of men of talents and learning. Without this induce-

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ment, such men will seldom consent to teach; except it may be for a season, as a matter of convenience or necessity, and as the means of rising to some other and better occupation.' p. 45.

'Our country needs seminaries purposely to train up and qualify young men for the profession of teaching. Though the idea perhaps may be novel to some persons, yet the propriety and importance of such a provision will scarcely be questioned by any competent judges. The *Seminarium Philologicum* of the late celebrated Heyne at Göttingen, though a private institution in the midst of a great university, furnished to the continent of Europe, during a period of nearly half a century, many of its most eminent and successful classical professors and teachers. We have our Theological Seminaries, our Medical and our Law Schools, which receive the graduates of our colleges, and fit them for their respective professions. And whenever the *profession* of teaching shall be duly honoured and appreciated, it is not doubted but that it will receive similar attention, and be favoured with equal advantages.' p. 46.

This plan of educating teachers, as constituting a distinct profession, is worthy of much consideration. Its great utility cannot be doubted, but whether it is practicable in this country, where as yet few young men set out in life with the intention of becoming professional teachers, may best be proved by an experiment. With suitable aid from a state legislature it would be successful, and we can hardly imagine a more important object of legislative concern and bounty.

In speaking of the discipline of colleges, President Lindsley makes some very sensible observations.

'Those who have had most experience in the management of youth, know full well the difficulties which it involves, and can best sympathise with their fellow-laborers in this important concern. So much depends on the previous training of youth while under the parental roof, on the sentiments there imbibed and the habits acquired, so much on public opinion, both in the particular place where a college is situated, and in the community at large—so much on those who have the supreme direction and control of its interests—that it is not easy to mark out the course to be pursued by a Faculty, prior to any experience, in circumstances which to them may be entirely novel. In general, it may be remarked, that the government of a college ought to be, as far as practicable, strictly parental. Every instructer ought to conduct towards his pupils, and to be esteemed by them, as a father, or elder brother. They ought to regard him as their best friend, and to confide in him as such. Wherever this mutual confidence and affectionate intercourse do not obtain, the connexion will neither be happy nor beneficial.

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'In a college, established upon the ordinary plan, the youth are necessarily left much to themselves. They constitute a large family, or a small community; have their laws, rules, usages, rights, and privileges; are dealt with, not as children, but as young gentlemen; the sanctions of authority, the rewards and penalties, are all addressed to the sense of duty, of honour and shame. If they cannot be sufficiently controlled upon these principles, or restrained by moral and religious considerations, there remains no alternative but temporary or absolute and final dismission from the institution. How much, therefore, depends upon the prudent, judicious, temperate, vigilant, mild, firm, equitable, and faithful administration of its government may readily be imagined. On this subject it is much easier to speculate wisely than to execute skilfully. Some men may entertain the best theory in the world, and yet be utterly unfit for practical service. They may talk sensibly enough, prescribe well, and resolve how to act in any given or supposable emergency, but when the trying crisis arrives they know not how to avail themselves of the peculiar features and circumstances of the case, or when to seize upon the favourable moment for prompt decision, or how to gain access to the heart and understanding, or in what direction to turn the popular current, or whether to exercise extraordinary lenity or extraordinary severity. They have not the presence of mind, that complete self possession, that instantaneous and intuitive perception of what is proper and expedient, which alone can command and ensure success. They are, in a word, destitute of that natural *tact*, that instinctive sensibility to every expression of the countenance, and to every symptom which a word, a look, or a movement may indicate, and which, though no art, is superior to all art, and can never be learned in any school. All the avenues to the human heart, all the springs of youthful action, and all the modes of allaying and regulating youthful passion, must be so obvious and familiar, that a man may be said, at the instant, rather to *feel* his way than to study or devise it.' pp. 38—40.

Among other branches, which are to form the academical course at Cumberland College, we are glad to find the learned president insisting with particular emphasis on a thorough acquaintance with the Latin and Greek Classics.

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7.—*Lectures on Geology, being Outlines of the Science, delivered in the New York Athenæum, in the yeur* 1825. By JER. VAN RENSSELAER, M. D. New York. Bliss & White, 1825. 8vo. pp. 358.

IN a preliminary notice to this volume the author says, 'there is no work published, it is believed, that even hints at the many important points properly treated under the head of geology, most authors on this subject having confined themselves to theories and rocks.' How far this very broad position will gain the assent of professed geological writers, we shall not presume to say, but we agree with Dr Van Rensselaer, that a good work on geology, as a separate science, is a desideratum. It may be doubted, however, whether the time has come when such a work can be formed on principles of much scientific accuracy. Mineralogists are the pioneers of geologists, and the accumulation of facts discovered and arranged by them will doubtless by degrees form a basis, on which geology may be erected as an independent science. Some of its elements already begin to assume a consistency, and to admit of being arranged into a regular classification, but as a whole it must, after all, be confessed, that geology has not yet been exhibited in any other garb, than that of a *theory*. The old mode of constructing the earth *a priori*, after the manner of Burnet, Leibnitz, and Whiston, is happily deserted, and geologists are now beginning at the other end of the process, and following up the thread of analysis. This method promises success to a certain extent; the structure of the outer covering of the earth may thus be examined, and important scientific results deduced, which will be not more curious in themselves, than useful in the arts of life, since all the sources of the sustenance, comforts, and present wellbeing of men, even the elements of the bodily system, are drawn from the earth's surface. Geology in these relations is a science of dignity and value; but when it dreams of central fires or chaotic elements, when it presumes to go back and take cognizance of the creation, it leaves the walks of science, and pursues the shadow of a theory.

The author divides his subject into six lectures, to which he adds a synopsis of rocks. In his first lecture he draws a rapid sketch of the old theories, and clears away the rubbish so industriously heaped up by the learned ignorance and childish visions of former times. Thus prepared, he in the next lecture enters in earnest upon his work. He assigns one characteristic to his science, however, which seems to us somewhat extraordinary. Perhaps we do not understand it. After a short and appropriate defini-

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tion of Geology, he adds, 'it aspires to record events of that period of time, when not only the earth, but the whole planetary system was uncreated.' This is really ascending very far into the chronicles of ages gone by; it will be a curious book, which some future geologist will write, concerning the events that took place before the earth and the planets were created. The author makes no attempt of this sort, but confines himself very soberly to the surface of our own planet, as it now exists; and as far as we are capable of judging, he has been successful in his purpose of writing a practical treatise on geology. He considers the science in its elementary branches, and pursues his investigations with method, and commonly in a perspicuous order. He aims at facts rather than deductions; he supports no theory, and very rarely loses himself in a speculation.

After the author's declaration that he had endeavored to convey his meaning 'in the plainest possible language,' we were a little surprised at some of the specimens of his style. Good taste, and chaste, simple, unadorned language, are no where more requisite, than in communicating truths of science. The imagination has but a slender part to act here; *ideas* are the soul and substance of the whole matter, and they should be expressed in words, which will convey as nearly as possible their precise meaning, and nothing more; when obscured by extraneous images much of their force is lost. The French have excelled in the beauty of their scientific compositions. In our own tongue Playfair and Bowditch furnish models, which may be safely studied and imitated. In the first page of Dr Van Rensselaer's lectures we have the following passages; 'When the sun of science, towards the close of the 15th century, dawned on Europe, from the dark cloud, which, for nearly 400 years, had enrapt [?] intellectual progress, there were but four classics in the Royal Library of Paris.' Again, he talks of 'walking in the delightful suburban grove of Athens,' and of 'the vegetable carpet of nature which covers our planet.' In some parts, also, there seems to us an unnecessary affectation in stringing together technical terms. In speaking of *Green Sand*, for instance, the author names forty species of testacea, which are found in it, beginning as follows, 'ammonites, nautilites, hemites, turrilites, belemnites, helix, trochus, solarium, turritella,' and so on to the end of the list. The same thing occurs in many places, where we are edified with a jingle of names by the half page together. In the minuter works of science all these have their appropriate station, but in an elementary treatise on geology they are strangely misplaced.

Since we are on this topic of saying right things in the right

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places, we cannot refrain from adding one word more, respecting the singular appendage, which the author has attached to his name on the title page of his Lectures. For the benefit of all concerned, we copy the whole paragraph *literatim et punctuatim*, as it is there printed ;—' M. D. *Associate and Lecturer on Geology to the Athenæum*, Member of the Royal Medical Soc. Edin.; Cor. Memb. of the Royal Academy of Sciences, Naples; of the Linnean Soc.—of the Society of Encouragement, and of the Medico-physic. Soc. Paris; Director of the American Academy of Fine Arts; Cor. Sec'y of the Lyceum of Natural History, and of the Newyork Horticultural Soc. Sec'y. of the Liter. and Philosop. Soc. and Member of the Historical Soc. Newyork; Member of the Soc. of Natural History, Leipzic—of the Soc. for promotion of Arts, and Cor. of the Lyceum, Albany.'—The explanation of these ominous contractions, and the character and purpose of these numerous societies, we leave to the ingenious investigation of our readers, deeply lamenting our own ignorance, when we reflect, that a countryman of ours should be honored with a membership in so many societies, of whose very existence, much less the renown of their achievements, we have never before heard. As this is a matter of opinion and fancy, we shall not quarrel with any one for the notions he may entertain, but really the honor of wearing literary titles, and of belonging to societies of all ranks and gradations, from Mite Societies up to the mammoth society projected in Washington three years ago for civilizing and christianizing all the Indians in the United States; we say, the honor of arriving at such distinctions has become so very cheap in these days, that it seems hardly worth while to be at the trouble of perpetuating it by any written memento. Academical initials have lost their power to command the respect either of the wise or ignorant, by being so profusely and indiscriminately scattered, that the most blunted intellect plainly perceives they have no meaning. And as for societies, which hang out pompous titles, and meet annually to elect officers and publish their names, but do nothing all the rest of the year, it would seem upon sober reflection to be rather a disgrace than an honor to belong to them. Were an individual to make the same parade and pretensions, he would be ridiculed for his presumption and vanity, in attempting to obtrude himself into a notice he did not deserve. There may be other kinds of quackery less innocent, but there is certainly none more ridiculous than literary quackery.

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8.—*The Leper of Aost; translated from the French of* Lemaistre. Boston. Cummings, Hilliard, & Co. 12mo. pp. 37.

The Leprosy, in the middle ages, was one of the most terrible afflictions known amidst the disasters of Europe. It was believed to be peculiarly contagious; and that not only the touch, but the sight of persons suffering under its loathsome effects, was sufficient to communicate the infection. Of course, as no remedy was known for it, those upon whom the curse fell were cut off from the intercourse of man. In some of the countries it visited, funeral rites were performed upon their living and suffering bodies; and the lepers were from that time considered dead men, and barely furnished with food and raiment in some solitary place, where they were thenceforward compelled by the common fears of society to drag out the remainder of their miserable existence without relief or hope.

The progress of civilization and the extension of the comfortable means of nourishment and clothing to all, has nearly driven this odious disease from the borders of Europe, while at the same time the progress of science and medical knowledge has taken from it the power that made it so terrible. Still it is not entirely unknown, and still in some places the fears and prejudices of society have not been entirely overcome.

Count Lemaistre, therefore, in the simple and very powerful little tale, called 'The Leper of Aost,' has taken one of the last instances of secluded leprosy, as the foundation for exhibiting, in a very striking and picturesque manner, the effects of solitude, on one, who both from a sense of duty and from necessity is cut off from all intercourse with man. The scene is laid near the city of Aost or Aousta, formerly called Augusta Prætoria, and situated at the foot of the Alps, in Piedmont. Count Lemaistre supposes a French officer in the year 1797, to have accidentally entered a small garden with a ruined tower in the midst of it; which has been appropriated to the residence of a Leper, where he was comfortably provided for, and where, surrounded by the beautiful and magnificent scenery of that picturesque region, he enjoys whatever can be enjoyed by one, who is, indeed, ignorant of the world from which he is cut off; but who has a heart full of sensibility and tenderness.

'*The Leper* says, "He who loves his cell, will find peace therein," as we read in the Imitation of Jesus Christ. I know something of the truth of these comforting words. The impressions peculiar to seclusion are soothed by useful employment of our

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time. Those who work are never entirely miserable, and in this too I may serve as an example. During the fine season, the culture of my garden, and of my parterre, occupy me sufficiently. During the winter, I make baskets and mats; I make my clothes, prepare my daily meal; and prayers fill the time that is not otherwise filled. In this way the year ends, and when it is gone, I have always found it to have been too short.

'*The Officer.* I should think, it would seem to you a century.

'*The Leper.* Pain and sorrows render *hours* long, but *years* fly always with the same rapidity. Besides, in the extreme condition of human misery, there is yet a pleasure, that men generally do not know, and which may seem to you singular; I mean that of existing and breathing. I pass whole days in the summer motionless on this wall, enjoying the air and the beauty of nature; all my ideas are then vague and confused; gloom fills my mind, without oppressing it; my eyes wander over the fields and rocks which surround us. Their different aspects are so deeply impressed on my memory, that they form, as it were, a part of myself; and every resting-place is a friend, which I rejoice to find again the next day.

'*The Officer.* I have often been filled with feelings like these. When I suffer, and do not find in other breasts what mine anxiously calls for, the view of inanimate creation consoles me. I feel an affection for trees and rocks, and it seems to me, that all creatures and forms of nature are friends which God has given me.

'*The Leper.* You lead me to explain what I feel. I truly *love* the objects that are (if I may say so) the companions of my life, and the friends I see every day. Every evening before I retire to the Tower, I greet the glaciers of Rintorts, the dark forests of the Saint Bernard, and the fantastic peaks that rise ove the valley of the Rhône. Though the omnipotence of heaven is as plain in the creation of an insect, as in that of the whole universe, the great spectacle of the mountains overwhelms my mind. I cannot without religious rapture look on these enormous masses, covered with perpetual snow. But in the midst of the splendid scenery, which surrounds me, I have some favourite places which I prefer, one of which is that hermitage which you see on the summit of Mount Charvensod. Insulated in the midst of groves, in the vicinity of a desert field, it receives the last beams of the retiring sun. Though I have never been there, I delight in gazing on that spot. When the day declines, I sit down in my garden, keeping my eyes fixed on that solitary abode, and my fancy finds there a happy repose. It has become to me like a possession; it seems as if some confused recollection was bringing me back, to a time when I was happy there, and the memory of which is effaced;

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I like still more to contemplate the distant mountains, which separate themselves only by feeble outlines from the blue horizon. Like futurity, distance awakens hope in me; my oppressed heart attaches itself to the possibility of a far existing land, where, at some future period, I shall finally enjoy the pleasure for which I pine, and which a secret instinct shows me incessantly, if not as real, yet at least as possible.

'*The Officer.* With your lively sensibility, you must have been obliged to make great efforts to become resigned to your destiny, and not to abandon yourself to despair.

'*The Leper.* I should deceive you if I were to tell you that I am always resigned to my fate. I have not yet obtained that self-control and absolute sacrifice, to which some anchorites have arrived. That entire renunciation of human affection is not yet accomplished: I spend my life in a continual struggle, and the powerful assistance of religion itself is not always strong enough to repress the rebellious movements of an imagination, which urges me, often against my will, into the midst of chimerical wishes, that carry me back to a world I know not, but whose fantastic image always stands ready to awaken my anguish.

'*The Officer.* Ah! If I could make you read what is in my soul, and give you my ideas of the world, your wishes, and even your regrets, would soon vanish.

'*The Leper.* In vain books have taught me the perversity of men, and the miseries inseparable from human nature; my heart refuses to believe them. I represent to myself, continually, societies of sincere and virtuous friends; families blessed with health, youth, fortune, and harmony; I imagine I see them walk in groves greener and fresher than these, the shade of which makes my poor happiness; brightened by a sun more brilliant than that which sheds its beams on me; and their destiny seems to me as much more worthy of envy, in proportion as my own is more miserable.'

We have given the above as a specimen of this singular and eloquent little work. It goes deep into the secrets of the human heart; and will be particularly interesting to all, who are touched with sorrow or suffering under the dark dispensations of Providence. We commend it, indeed to all, for it is a work of a somewhat new character; and must on many accounts be attractive to all.

It is a curious circumstance attending this little publication, which has accidentally come to our knowledge, that the present very spirited and idiomatic translation has been made by a distinguished literary and scientific foreigner, attached to one of the legations in this country.

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9.—*The Latin Reader. From the fifth German Edition.* By Frederick Jacobs, Editor of the Greek Anthology, the Greek Reader, &c. Northampton. 1825. 12mo. pp. 150.

We are glad to see another good schoolbook added to the number of those already in use for initiating children in the Latin tongue. The change in the state of learning and objects of education in modern times has produced, though tardily, a correspondent change in books of this class. From the revival of letters until within a few years the lisping learner was taught, in the first place, the elements of familiar conversation, conceived in terms, some of which were unknown to ancient Rome, and others were forced to stand for ideas which never entered the mind of a Roman. This was necessary in the time of Ludovicus Vives, and Erasmus, and Corderius; and these great men could hardly do a better service to the cause of newly awakened learning than to assist in training children, from their tenderest years, to a familiar use of the Latin, and a ready application of it to all subjects; for this was to supply them with the only instrument and vehicle of knowledge, and the only foundation of future distinction. Hence, Vives might well say, as he did in the dedication of his 'Institutio,' 'Latinæ linguæ permagnæ sunt, et ad *loquendum* et recte sentiendum, utilitates; est enim ea veluti thesaurus quidam omnis eruditionis;' and Erasmus manifested an affectionate solicitude for his godson's welfare, when in the epistle to him, which he sent with his Colloquies, he says, 'A nobis curatum est ut prima linguæ tuæ *balbuties* Latinis literis formaretur.'

But times are much changed. As long ago as the middle of the last century, it was said, 'The *talking* of Latin is so little used in England, that gentlemen, who understand the classics very well, would be hard put to it to maintain a quarter of an hour's conversation in that language;' and at the present day, we believe, a much shorter task would be no less difficult to gentlemen of the same learning. On the continent of Europe, where, for various reasons, the art of conversing in Latin has longer continued to be cultivated, it is every day less practised, and when it is so, is regarded rather as an irksome necessity than the exhibition of a liberal and scholarlike attainment.

It is not our purpose here to speak of the advantages of classical learning; but we rank ourselves among its friends and advocates, and esteem every plan of liberal education as essentially defective, into which it does not enter for a large share. We therefore notice with satisfaction every change in the mode of teaching

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it, which, by divesting it of a scholastic air, breaks off its alliance with pedantry, and applies it directly to its true use, in disciplining the understanding and forming the taste.

The 'Latin Reader,' by Professor Jacobs, is a counterpart to the 'Greek Reader' of the same learned author, which has already been some time before the public. For its publication we are indebted to Mr Bancroft, of the flourishing seminary at Northampton, who, in consulting the interests of his own pupils, has also gained a title to the thanks of others engaged in similar pursuits. In the editor's preface is given the following explanation of the objects of Professor Jacobs in the present work, taken from his German prefaces.

'According to the custom of our schools, the learning of Latin is begun in those tender years, when the understanding has hardly been exercised; and this study is almost the first, which awakens and directs the attention to abstract ideas. The first book is, therefore, so arranged, as not only to facilitate the acquisition of a mechanical knowledge of the Latin, but, what for the general purposes of education is far more important, to convey an idea of the formation and structure of the language.

'It is desirable, especially where there exist no monuments to remind us of the classic ages, to choose for the young mind subjects, which shall at once lead to some knowledge of antiquity. It is not unimportant, what topics are presented as first exercises. No age should be little esteemed; and those who are to become scholars should never be employed upon subjects, which can excite no interest and impart no instruction. Above all things they must be early introduced into the ancient world, that their first associations may be connected with it. In this view it will be acceptable that an outline of the history of Rome, and some geographical notices of the ancient world are introduced.

'The pupil may be employed upon the easiest lessons in the Reader, as soon as he has become familiar with the declension of the nouns and the regular conjugations. The exclusive study of grammar retards the learner. He must soon begin to read, and, while he is thus exercising all that he has learnt, be made to continue the study of the elements. He will find his progress in reading attended with no increasing difficulty, as the work is so carefully arranged that there exist no rapid transitions.'

'The editor, in publishing this work in America, has been influenced by a sincere belief, that it forms an easy introduction to the language and character of the Roman world.'

One objection to the books in present use, with which this comes in competition, is, that they are wholly or in part made up of Jewish history, and so far, however pure their style may be, their

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subjects and the associations they awaken, are foreign from Roman literature and adverse to the formation of a just taste in it; while, considered as a part of the Scriptures, they fall under that rule of propriety, which, it is agreed, should rescue the Greek Testament from the hands of the younger class of learners.

It is worthy of remark that this little volume is printed with uncommon neatness without being sumptuous, and from our examnation of it, we are inclined to think it excels in that minute accuracy so important in schoolbooks. In some instances the student is guided to a right pronunciation, by a mark denoting the quantity of the penult syllable, when it depends on authority only. We wish the same had been done in all words of this description. Many learn some Latin, and turn it to good account, who yet never acquire skill in prosody. Their studies are broken off before their ear is formed by the often repeated oral corrections of the instructer; and it is with painful uncertainty, in after life, that they venture to pronounce a quotation, because when the orthography and meaning of the terms were first learned, a just accent was not associated with them.

The volume of the Latin Reader now published embraces only the first of three parts, into which the whole work is divided. Mr Bancroft expresses in the preface his intention, if the first should be successful, to publish the second; and we are happy to learn that this is now in the press.

10.—*A Historical Narrative of the Civil and Military Services of Major General William H. Harrison, and a Vindication of his Character and Conduct as a Statesman, a Citizen, and a Soldier; with a Detail of his Negotiations and Wars with the Indians, until the final Overthrow of the celebrated Chief Tecumseh, and his Brother the Prophet; the whole written and compiled from original and authentic Documents, furnished by many of the most respectable Characters in the United States.* By Moses Dawson. Cincinnati. 1824. 8vo. pp. 464.

In its literary execution this is a clumsy and ill digested book, apparently written and printed in part, before the author had made up his mind at what point, or in what manner, it would be brought to a close. It is overloaded with public documents and private letters, and contains a great deal of diffuse, heavy matter, which should have been abridged, and presented in a more condensed and attractive form. To add to the reader's despair,

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there is neither index, table of contents, nor heads of chapters to guide him through the chaos, and lighten his journey on the way. A work of history, embracing a complicated mass and variety of facts, without any means of reference, is little better than a clock without the minute and hour hands, or a dial plate without a gnomon.

It is commonly the object of a writer to have his book read; and to send it out in so repulsive a shape, as to drive every one from its pages, who values his time or his comfort, indicates, to say the least, a singular defect of judgment, and ignorance of the feasible modes of accomplishing a purpose.

But after this censure of the author's negligence, and the unfavorable exhibition of his book-making skill, it gives us pleasure to commend the industry and zeal, with which he has accumulated a series of valuable facts respecting the history of the country northwest of the Ohio river. As General Harrison went into that country nearly thirty years ago, and held from the beginning important public stations, a narrative of the principal events of his life embraces the leading features of the history of the first settlement, and succeeding growth, of the three states north of the Ohio. The early treaties with the Indians, the purchase and cession of their lands from time to time, the frequent wars, surveys and sales of public lands, local political events, and the particulars of the last war in that quarter, are all described with sufficient minuteness, and with a reference to authorities, which leaves no doubt of the author's general accuracy. As he writes professedly to defend General Harrison, however, he occasionally manifests a warmth not entirely consistent with the strict impartiality of a historian. By those who desire to be informed on the above subjects, his book will be valued as a repository of authentic documents, and as containing a summary of facts not to be derived from any other single source.

11.—*Remarks on the projected Revision of the Laws of New York, first published in the Atlantic Magazine for April* 1825. 8vo. pp. 19. New York.

The laws of New York, like those of most other States in the Union, are drawn from numerous and very different sources. Their *substratum*, of course, is the common law of England. To this we must add, in the first place, the provisions growing out of the federal compact, to wit, the constitution, the acts of Congress, and the decisions of the federal courts. Next come the constitu-

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tion, legislative acts, and judicial decisions of New York. Lastly, there are undoubtedly in that state, as in other parts of the country, many rules of local origin, arising out of the manners, laws, and exigencies of the early settlers, which are now more or less ascertained by statute, or by adjudications, and which may be styled the common law of the State.

It is easy to perceive, from this plain statement, how complex must be the existing laws, and how far from being that simple and intelligible rule of conduct, which theory requires they should be, if it were possible to attain the object. The evil is enhanced by the facility of legislating amongst us, which introduces so many ill-digested statutes into all the American codes, and the consequence of which is, that revised editions of the statutes are continually becoming necessary from time to time. The pamphlet before us relates to such a revision of the laws of New York. We shall merely state the facts disclosed in it, without entering into any discussion of the several questions, which are briefly considered by the writer.

The statutes of New York have been repeatedly revised at successive periods, the last of which was in 1813. The revisers were authorized to proceed no further than reducing to proper heads all the public laws of a permanent nature, adding marginal notes, omitting obsolete acts, correcting occasionally slight inaccuracies of language, and in a word performing duties purely *editorial*. After the recent changes in the constitution of the State, a new revision of the statutes was deemed necessary, and in November, 1824, an act for that purpose was passed, by which Erastus Root, Benjamin Butler, and James Kent, were appointed Commissioners to prepare a revised edition of the statutes, wherein, by reason of the provisions of the new constitution, or of statutes enacted under it, such alterations were become requisite. For reasons which it is not necessary to enumerate in this place, the ex-chancellor declined accepting the appointment, and John Duer was appointed in his stead.

At the late spring session of the legislature of New York, the subject of the proposed revision of the statutes was again resumed. An act was passed enlarging the authority of the commissioners in the premises, to an extent, which the author of the pamphlet before us deems unsafe and inexpedient. Erastus Root resigned his office, and Henry Wheaton was named to succeed him. The commission now consists of men, in whom the state may repose confidence, and therefore we do not think any attempt at rash innovation is to be feared at their hands. Our design, however, being only to give a succinct account of the facts, so far as they bear upon the judicial history of the country, we stop here,

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abstaining from any more extended comments on the subject, and referring our readers to the pamphlet itself, if they wish to form an opinion of the points in controversy.

12.—*American Entomology, or Descriptions of the Insects of North America; illustrated by Coloured Figures from Original Drawings executed from Nature.* By Thomas Say. Philadelphia Museum. Published by S. A. Mitchell. William Brown, Printer. 1824. 8vo.

For beauty and elegance of execution, this work surpasses any other that has been printed in this country. The letter-press of Wilson's Ornithology, and of the famous edition of the Columbiad, is executed in a more finished style; but in the exquisite delicacy of the drawings and beauty of the engravings, as well as in the marks of taste indicated in the external attractions of the volume, the American Entomology is much superior to either of them. The fanciful and highly emblematical frontispiece was delineated by C. A. Le Sueur; the figures of the insects were drawn from nature by T. R. Peale, and engraved by C. Tiebout. The specimens of their labours here furnished are in the highest degree creditable to these artists. The work, as it has come from their hands, affords a most encouraging testimony of the state of the arts in this country, and as such deserves the patronage not more of the lovers of science, than of all persons who are disposed to advance the progress of liberal pursuits, by rewarding the successful efforts of genius and skill.

Of the scientific merits of the work it does not become us to speak. And, indeed, in the present instance there is happily no occasion for eulogy from us, or from any other quarter, to inspire a perfect confidence in the profound researches and knowledge of the author. No person, who has paid any attention to the advancement of science in this country for the last ten years, can be ignorant of the doings and movements of Mr Say, or of his particular devotedness to the subjects, of which he has treated in this volume. Of Dr Bowditch it has often been said by way of eminence, that we have *one* astronomer in America; it may be said with the same emphasis of Mr Say, that we have *one* entomologist. He has spared no pains in his researches, and his zeal has been equal to his means of knowledge. If we mistake not, he has travelled in various parts of the Middle and Southern States purely for scientific purposes, and with the same design he accompanied Major Long's first expedition to the Rocky Mountains, and his second one to the Northwestern Ter-

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ritory. With these advantages, with his ardent love of nature, and his unremitted application to his favorite pursuits, Mr Say has made acquisitions of no ordinary extent in the various departments of natural science, and possesses all the collateral knowledge requisite for illustrating that in which he so eminently excels. He adopts, for the motto of his work, the lines of Stillingfleet,

> 'Each moss,
> Each shell, each crawling insect, holds a rank
> Important in the plan of Him who fram'd
> This scale of beings.'

From the preface it appears, that this volume is the first of a series hereafter to be continued. We hope the author will meet with the full measure of encouragement, which the extent of his labors, and his zeal in the cause of knowledge, so justly deserve. We are not sure that he has decided wisely in confining himself so exclusively to rigid science, and introducing so little that can be interesting to the unskilled; but of this he must be allowed to judge for himself.

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QUARTERLY LIST OF NEW PUBLICATIONS.

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Five Hundred Questions, selected from a full Course of Illustrations and Experiments upon Chemistry. Applied to the Useful Arts, given at the Agricultural Seminary at Derby, Connecticut; with a short Statement of the Course of Instruction pursued at that Institution. 12mo. New Haven.

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BIOGRAPHY.

Memoir of the Life of Josiah Quincy, Jun. of Massachusetts: by his son, Josiah Quincy. 8vo. pp. 498. Boston. Cummings, Hilliard, & Co.

COMMERCE AND MANUFACTURES.

A Report of the Secretary of the Treasury, of the Commerce and Navigation of the United States, during the Year ending the 30th of September, 1824. 8vo. pp. 300. Price $2. Washington. Gales & Seaton.

An Essay on the Manufacture of Straw Bonnets, containing an Historical Account of the Introduction of the Manufacture, its Effects upon the Employments, Dress, Food, Health, Morals, Social Intercourse, &c. of the Inhabitants of the several Towns in which it has been carried on; with Moral, Political, and Miscellaneous Remarks. Providence. B. Field & Co.

DRAMA.

Montgomery; or, the Falls of Montmorency. A New National Drama. Written by Henry J. Finn. Boston. Wells & Lilly.

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EDUCATION.

Essay on Language, as connected with the Faculties of the Mind, and as applied to Things in Nature and Art. By William S. Cardell. New York. C. Wiley.

Story of Jack Halyard, the Sailor Boy, or the Virtuous Family; designed for American Children in Families and in Schools. By William S. Cardell. Third edition, corrected and enlarged. New York.

Reading Lessons for Primary Schools. 18mo. pp. 126. Boston. Richardson & Lord.

A Complete Key to Smiley's Arithmetic; entitled the New Federal Calculator, or Scholar's Assistant, &c. By T. T. Smiley, Teacher; Author of School Geography, &c. Philadelphia. J. Grigg.

A Polyglot Grammar of the Hebrew, Chaldee, Syriac, Greek, Latin, English, French, Italian, Spanish, and German Languages, reduced to one Common Rule of Syntax, &c. with an extensive Index, intended to simplify the Study of the Languages. By Samuel Barnard. 8vo. pp. 312. New York. Wilder & Campbell.

A Grammar of the Spanish Languages, with Practical Exercises. By M. Josse. Second American edition, revised, improved, and adapted to the English language; by F. Sales, Instructer of French and Spanish at Harvard University, Cambridge. 12mo. pp. 468. Boston. Munroe & Francis.

Mr Sales has bestowed great pains in correcting and improving this edition of the grammar, which he has in a measure made his own, by his highly valuable labors in adapting it to American students. Of this second edition he says, it is 'carefully revised, considerably altered, and improved throughout; particularly in the arrangement of the conjugation of the irregular verbs; in giving the English signification of the table of prepositions published by the Royal Academy; in prefixing an article to every word in the Vocabulary to denote its gender; and in assimilating as far as possible the English phraseology to the Spanish, in the familiar phrases and dialogues.' He has also enlarged the work by the 'addition of interesting extracts from some of the best Spanish writers; specimens of critical, familiar, and commercial letters; mercantile documents; a treatise on Spanish versification, translated from the latest Paris edition of Josse's Grammar; and a copious table of contents; the whole corrected in conformity to the most recent decisions on orthography of the Spanish Academy.'

Three things strike us as particularly to be commended in this edition. 1. The insertion of the English signification against all parts of the verbs, regular and irregular, and every other Spanish word where the progress of the learner will be facilitated. This is important, because the learner acquires a knowledge of the meaning of words, at the same time he is learning the elementary structure of the language. 2. Great care is taken in placing accents over every word that requires it. The general rules are simple, and they are rigidly followed. *There is commonly much negligence on* this point in Spanish Grammars, greatly to the embarrassment of the student, and vexation of the teacher. 3. The adaptation of English phraseolo-

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gy as closely as possible to the Spanish idiom, in the Familiar Dialogues, by which the learner is able to come quickly at a knowledge of the principles and peculiarities of the language. Mr Sales's long experience in teaching two foreign languages, and his thorough acquaintance with the English, give him advantages for maturing a work of this sort, which few other persons can be supposed to possess.

Mercantile Penmanship, reduced to a regular System of Chirographic Drawing, the Letters classed according to Similarity and Simplicity, and elementary Words ranged upon the perpendicular Column. By Allison Wrifford. New York. 1824.

GEOLOGY.

Lectures on Geology; being Outlines of the Science, delivered in the New York Atheneum, in the year 1825. By Jer. Van Rensselaer, M. D. Associate, and Lecturer on Geology to the Atheneum, &c. 8vo. pp. 358. New York. E. Bliss & E. White.

HISTORY.

History of Boston. 8vo. Nos. 8 to 11. Price 25 cents per Number. Boston. A. Bowen.

Notes, Geographical and Historical, relating to the town of Brooklyn, in King's County, on Long Island. By Gabriel Furman. 1 Vol. 12mo. Brooklyn. A. Spooner.

A History of the Lexington Battle, 19th of April, 1775. By Elias Phinney. Price 31 cents. Boston. Lincoln & Edmands.

A Particular Account of the Battle of Bunker or Breed's Hill, on the 17th of June, 1775. By a Citizen of Boston. 8vo. pp. 26. Boston. Cummings, Hilliard, & Co.

The History of New England, from 1630 to 1649. By John Winthrop, first Governor of Massachusetts; with Notes by James Savage; with an elegant Engraving of the Author. Vol. I. 8vo. Price $3. Boston.

An Historical Discourse, delivered at West Springfield, Dec. 2, 1824, the Day of the Annual Thanksgiving. By William B. Sprague, Pastor of the First Church in West Springfield, Hartford. Goodwin & Co. 8vo. pp. 91.

So thorough a specimen of historical research we have seldom seen, as is exhibited in this Discourse, and its copious Appendix. The town of Springfield, formerly called *Agawam*, was among the first places settled in the interior of the country.

'It commenced, probably,' says Mr Sprague, 'in 1635, [fifteen years after the landing of the Pilgrims at Plymouth,] but the first permanent settlement was in the spring of 1636. In consequence of a large emigration from England, beside the natural increase of the population, it became necessary that some of the inhabitants of the towns first planted should seek a new residence; and accordingly in May 1635, we find a petition presented to the general court, then in session at Newtown, now Cambridge, from several of the inhabitants of Roxbury, Dorchester, Newtown, and Watertown, for leave

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to emigrate to Connecticut river. This petition was granted (May 6) on the express condition, that they should remain within the jurisdiction of Massachusetts; and several persons were appointed to govern them for one year. In consequence of this grant, the petitioners, with their families, braved the perils of the wilderness, and planted themselves in the places, which are now Wethersfield, Hartford, Windsor, and Springfield.'

In pursuing the history down to the present time, Mr Sprague's industry and perseverance, have been unwearied in collecting every important fact bearing on the subject, and no original written document would seem to have escaped his researches.

LAW.

An authentic Report of a Trial before the Supreme Judicial Court of Maine, for the County of Washington, June Term, 1824. Charles Lowell *vs.* John Faxon and Micajah Hawks, Surgeons and Physicians, in an Action of Trespass on the Case, &c. 8vo. pp. 29. Portland.

A Digest of the Cases decided in the Supreme Judicial Court of the Commonwealth of Massachusetts. From March 1816, to Oct. 1823, inclusive. To which is added a digested Index of the names of the Cases in the 18 Vols. of Mass. Reports. By Theron Metcalf, 8vo. Boston.

A Digest of the Laws of Pennsylvania, from the year 1700 to the 30th day of March, 1824, &c. By John Purdon. 1 vol. 8vo. Philadelphia.

Proceedings in the Courts Martial in the Cases of Lts. Weaver and Conner of the United States Navy. 8vo. pp. 84.

The Laws passed at the Second Session of the Eighteenth Congress. 8vo. pp. 120. Washington. Gales & Seaton.

Remarks on the Projected Revision of the Laws of New York. First published in the Atlantic Magazine for April, 1825. 8vo. pp. 19. New York.

Town Officer; or, Laws of Massachusetts relative to the duty of Municipal Officers; together with a Digest of the Decisions of the Supreme Judicial Court upon those subjects. By Isaac Goodwin, Counsellor at Law. 12mo. Worcester. Dorr & Howland.

A Digest of the Probate Laws of Massachusetts, relative to the Power and Duty of Executors, Administrators, Guardians, Heirs, Legatees, and Creditors. To which is subjoined an Appendix of Forms. By Joshua Prescott, Esq. Counsellor at Law. Boston. Richardson & Lord.

Review of a Pamphlet, entitled "A Report of the Evidence in the Case, John Atkins, Appellant, vs. Calvin Sanger & al. Executors, relative to the Will of the late Mrs Badger, of Natick," &c. By Thomas Noyes. 8vo. pp. 71. Dedham, Mass.

The Virginia Justice, comprising the Office and Authority of a

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Justice of the Peace in the Commonwealth of Virginia, &c. To which is added, an Appendix, containing all the most approved Forms in Conveyancing. Also, the Duties of a Justice of the Peace, arising under the Laws of the United States. By William Waller Hening, Counsellor at Law. The Fourth Edition, revised, corrected, and greatly enlarged. Richmond, Va.

Trial of Amos Furnald for the Murder of Alfred Furnald. Before the Superior Court of Judicature, holden at Dover, within and for the County of Strafford, and State of New Hampshire, on the first Tuesday of February, A. D. 1825. Reported by Richard Ela. 8vo. pp. 127. Concord, N. H. J. B. Moore.

The Town Officer's Guide, containing a Compilation of the General Laws of Massachusetts, relating to the whole Power and Duty of Towns, Districts, and Parishes, with their several Officers, &c. By John Bacon, Esq. 12mo. pp. 396. Haverhill, Mass.

MATHEMATICS.

The Mathematical Diary. No. 2. For April, 1825. Conducted by Robert Adrain, LL. D. F. A. P. S. F. A. A. S. &c. and Professor of Mathematics in Columbia College. New York. James Ryan.

MEDICINE.

An Address, delivered at the Annual Commencement of the Berkshire Medical Institution, Pittsfield, December 23, 1824. By Rufus William Bailey, A. M. 8vo. pp. 24. Pittsfield, Mass.

The Carolina Journal of Medicine, Science, and Agriculture, conducted by Thomas Y. Simons, M. D. and William Michel, M. D. Vol. I. No. 1. For January, 1825.

Memoir on the Discovery of a Specific Medicine for the Cure and Prevention of the Yellow Fever, Plague, Malignant, and Pestilential Fevers, with Documents, authenticated by the Results of successful Experiments performed by Order of the Government and Authorities of the City of Havana. By John J. Giraud, M. D. of Baltimore. W. Woody. Baltimore. 8vo. pp. 23.

The nature of the *Specific Medicine* is not explained; it is yet a secret with the discoverer. His pamphlet is chiefly taken up with a large number of certificates from physicians and other persons in Havana, bearing testimony to the virtues of the medicine, as it has been there administered. In a memorial presented to Congress, Dr Giraud has expressed his intention of making known his secret for the benefit of mankind.

MILITARY.

United States Military Tactics. New Edition, with the latest Improvements. Published by order of the War Department. 2 Vols. 8vo.

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MINERALOGY.

A Catalogue of American Minerals, with their Localities; including all which are known to exist in the United States and British Provinces, and having the Towns, Counties, and Districts in each State and Province arranged alphabetically. With an Appendix, containing Additional Localities and a Tabular View. By Samuel Robinson, M. D. Member of the American Geological Society. 8vo. pp. 320. Boston. Cummings, Hilliard, & Co.

MISCELLANEOUS.

The Vaccine Inquirer, or Miscellaneous Collections relative to Vaccination. By Gideon B. Smith. No. VI. Baltimore. J. D. Toy.

In addition to other particulars relative to the general subject of vaccination, this number of the Inquirer contains Dr Jenner's last circular to the medical Profession on *Varioloids;* also original letters from Dr Smith of Baltimore to Dr Jenner. There is, moreover, an extract from a report made at Buenos Ayres, addressed to the Vaccine Society at Paris, translated from the Spanish. The Vaccine Inquirer is a periodical work, designed to send out to the public such articles, both selected and original, as will communicate the most interesting and valuable facts respecting the theory and practice of vaccination.

The Journal of Madam Knight and Rev. Mr Buckingham. From the Original Manuscripts, written in 1704 and 1710. New York. Wilder & Campbell. 12mo. pp. 129.

An Exposition of the Facts and Circumstances which justified the Expedition to Foxardo, and the Consequences thereof, together with the Proceedings of the Court of Inquiry thereon, held by Order of the Hon. Secretary of the Navy. By D. Porter. 8vo. pp. 107. Washington. Davis & Force.

An Oration in Honor of General Lafayette, delivered in his Presence, at Nashville, May 4, 1825, at the Request of the Grand Lodge of Tennessee. By William Gibbs Hunt. Nashville. J. Norvell.

An Address delivered at Watertown, March 4th, 1825, at a Dinner in Honour of the Inauguration of President John Quincy Adams. By David Lee Child. 8vo. pp. 10. Price 25 cents. Boston. Cummings, Hilliard, & Co.

Orangeism Exposed, with a Refutation of the Charges, &c. brought against the Irish Nation, by Lawyer David Graham, of New York, in his Defence of the Orangemen, tried in that City, on the 13th and 14th days of September, 1824, for an Assault and Battery on a poor Irishman, on the 12th day of July, 1824. By an Unbiassed Irishman.

An Address to the Utica Lyceum, delivered February 17, 1825. By A. B. Johnson, prefatory to his Course of Lectures on the Philosophy of Human Knowledge. 8vo. pp. 16. Utica.

An Address delivered in Nashville, January 12, 1825, at the Inauguration of the President of Cumberland College. By Philip

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Lindsley, D. D. President of the College. 8vo. pp. 48. Nashville.

The Grecian Wreath of Victory. 18mo. pp. 119. Price 25 cents. 1824. New York.

Speech delivered before the Overseers of Harvard College, February 3, 1825, in Behalf of the Resident Instructers of the College. With an Introduction. By Andrews Norton. 8vo. pp. 60. Boston. Cummings, Hilliard, & Co.

First Annual Report of the Proceedings of the Franklin Institute of the State of Pennsylvania, for the Promotion of the Mechanic Arts. To which are prefixed the Charter, Constitution, and By-Laws of the Institute, with a List of the Members, &c. 8vo. pp. 107. Philadelphia.

New Edition of Spring's Essays. New York. F. Lockwood.

An Address, delivered March 8th, 1825, in the Hall of the Medical Faculty of Jefferson College, located in Philadelphia. By B. Rush Rhees, M. D. Professor of Materia Medica in Jefferson College. Philadelphia.

Lafayette, or Disinterested Benevolence; a Moral Tale for Youth. 18mo. pp. 36. Boston.

Private Correspondence of Lord Byron, including his Letters to his Mother, written from Portugal, Spain, Greece, and other Parts of the Mediterranean. Published from the Original, with Notes and Observations. By R. C. Dallas, Esq. (This is the work for which an Injunction was granted by the Lord Chancellor, preventing its publication in England.) Philadelphia. Carey & Lea.

An Examination of the 'Remarks' on 'Considerations suggested by the establishment of a Second College in Connecticut.' 8vo. pp. 26. Hartford. Peter B. Gleason & Co.

Auxiliar Vocabulario de Bolsillo, Espanol e Ingles. Par J. Jose L. Barry. 18mo. New York. J. Desnoues.

The Virginia Housewife. A Second Edition, with Amendments and Additions. 12mo.

Nature Displayed in her Mode of Teaching the French Language, &c. By N. G. Dufief. Sixth Edition. 2 vols. 8vo. Price $7. New York. Collins & Co. and others.

The African Repository and Colonial Journal. Vol. I. Nos. 1 and 2. Price $2 per annum. Washington. Way & Gideon.

The Eighth Annual Report of the American Society for Colonizing the Free People of Colour in the United States, with an Appendix. 8vo. pp. 71. Washington, D. C.

An Oration delivered at Concord, April the Nineteenth, 1825. By Edward Everett. 8vo. Boston. Cummings, Hilliard, & Co.

A Dissertation on the Nature, Obligations, and Form of a Civil Oath. By William Craig Brownlee, D. D. 8vo. pp. 44.

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An Address to the Members of the Bar of Suffolk, Mass. at their Stated Meeting on the first Tuesday of March, 1824. By William Sullivan. 8vo. pp. 63. Boston. Cummings, Hilliard, & Co.

Address delivered before the Alumni of Columbia College, on the 4th of May, 1825, in the Chapel of the College. By Clement C. Moore, A. M. 8vo. pp. 37. New York. E. Bliss & E. White.

This address contains a brief history of Columbia College from its foundation down to the present time. The Charter was granted and the institution organised in the year 1754. It was then known by the name of *King's College*, and Dr Samuel Johnson was appointed the first president. He began his labors a few months before the Charter was granted, with a class of ten students in the Vestry Room of Trinity Church. Dr Johnson resigned the office of president in 1763, and Dr Cooper, a graduate of Oxford in England, and at that time professor in the College, was chosen to supply his place. The Medical School connected with the College was established in 1767. On the breaking out of the war, Dr Cooper returned to England, and the exercises of the students were interrupted, although not wholly discontinued, during the progress of the revolution. As no president was appointed in that period, the professors presided in turn. In 1787, Dr William S. Johnson, son of the first president, was elected president of the College, and from that time the institution continued to increase in prosperity and importance. Dr Johnson resigned the office of president in the year 1800, and the Rev. Dr Wharton was chosen to succeed him; but he continued in the office only seven months. Bishop Moore was immediately elected president, who had discharged the duties by a temporary appointment twenty-six years before, when Dr Cooper left the country. He resigned in 1811, and Dr William Harris was chosen in his place, who still holds the office. A new charter was obtained from the Legislature of the state in 1810; and in 1813 the Medical School was discontinued, in consequence of the establishment of the College of Physicians and Surgeons in New York.

Mr Moore's address is written in a perspicuous style, abounds in facts, and is a valuable document among the materials for a literary history of the country.

New York Review, and Athenæum Magazine. No. I. For June 1825.

A Review of the Efforts and Progress of Nations, during the last Twenty-five Years. By J. C. L. De Sismondi. Translated from the French, by Peter S. Duponceau. 8vo. pp. 36. Philadelphia. H. Hall.

NOVELS AND ROMANCES.

Goslington Shadow; a Romance of the 19th Century. By Mungo Coultershoggle, Esq. 2 Vols. 12mo. New York. J. & J. Harper.

The Travellers; a Novel. By the Author of 'Redwood.' New York. E. Bliss & E. White.

Redfield; a Long-Island Tale. 12mo. New-York. Wilder & Campbell.

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Resignation; an American Novel. By a Lady. 2 Vols. 12mo. Boston. J. B. Russell.

Stranger of the Valley; or, Louisa and Adelaide; an American Tale. By a Lady. 2 Vols. 12mo. New York. Collins & Hannay, and others.

Pierre and his Family; or a Story of the Waldenses. By the Author of Lilly Douglas. 18mo. Philadelphia.

John Bull in America; or the New Munchausen. Second Edition, with Corrections by the Author. 12mo. New York. C. Wiley.

Female Quixotism; exhibited in the Romantic Opinions and Extravagant Adventures of Dorcasina Sheldon. A New Edition. 2 Vols. 18mo. Boston. J. P. Peaslee.

POETRY.

Hadad, a Dramatick Poem. By James A. Hillhouse, Author of 'Percey's Masque,' and 'The Judgment.' 8vo. New York.

Mengwe; a Tale of the Frontier. A Poem. 18mo. pp. 76. Princeton. N. J.

This is evidently the work of some very young man—we suppose an undergraduate at Princeton College—probably of the Sophomore Class. He will undoubtedly write better in his Senior year, and we should advise him not to publish till he can write A. M. to his name. By that time he will have learned a little more of the necessary mechanical art, without which a poem is too lame to travel up the steep of fame; it certainly never can go on feet like these.

'But makes musick to the lone ear.'
'Heaves forth from darkness, and loud and more loud.'
'Yet I will go--another hour sees.'

We fancy *hour* is a word of one syllable. We think too that *shore* is a poor rhyme to *war*, though a very favorite one with this writer. And we are not quite certain that this couplet rhymes at all:

'Degen'rate spirits, crushed by coward awe,
'In one black tide, along the future pour.'

A great difficulty occurs in reading this little book, from the want of distinction between the dash and the hyphen, and from the novel and ingenious mode of marking the place of the cæsura with a comma. We cannot regard either of these innovations as an improvement, and would recommend an adherence to the plain old fashioned way.

We do not mean, however, to say that there is nothing commendable in these pages. Quite the contrary. There are indications of poetic talent, which only wants ripening and disciplining, to produce something worth reading. There are passages and expressions, which are striking and happy, and give promise of a better work by and by, which we shall be happy, twelve years hence, to see and praise. But we do beseech our unfledged bards to spare themselves and us the mortification of these first crude attempts at poetry before they understand the laws and structure of verse, or have attained any facility and skill in practice. It is as absurd in such to come forward for the entertainment of the public, as it would be for a boarding-school miss, at the end of her first quarter on the piano, to give a concert at the Pantheon hall.

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Occasional Pieces of Poetry. By John G. Brainard. 12mo. pp. 111. Price 75 cents. New York. E. Bliss & E. White.

Hymns for Children, selected and altered By the Author of 'Conversations on Common Things.' 24mo. pp. 143. Price 25 cents. Boston. Monroe & Francis.

The Minstrel's Cabinet; a new Collection of the most popular Sentimental, Comic, Patriotic, and Moral Songs. In 2 Vols. 18mo. New York. D. Mallory.

Poems. By John Turvill Adams. Price 50 cents. 12mo. pp. 47. New Haven. A. H. Maltby & Co.

What has been said above of 'Mengwe' will apply, without much qualification, to this volume. The author has published too soon by nine years at least. He mistakes in thinking that lines, arranged in a certain measure, divided into stanzas, and rhyming at the ends, constitute poetry. The only pieces, which seem to us tolerable, are 'Spring,' and the 'Mermaiden's Song,' and even this latter ends with the following lines.

'And we dance and we sing
With such pleasure and mirth,
As you never saw,
O unfortunate earth.'

In his longest poem, entitled 'Our Country,' he writes thus:

'Chained to the stake, or stretched upon the wheel,
The dying Martyr shed his innocent blood;
And Superstition smiled and shook her steel,
And lapped the ebbing life drops for her food;
Nor was appeased, but fired with rage accurst,
More loudly called for blood to quench her hellish thirst.'

Take another example, in which is described the joy of a youth, at his success in hooking a trout, after having tried in vain to find a way by which 'to catch him.'

'At last, just when he is despairing
Of ever getting what he fished for,
The tempting worm the victim swallows,
The boy has what he so much wished for.

'With sudden jerk, upon the grass
He throws the spoil, his little treasure,
And greedily takes hold of him,
Delighted, smiling beyond measure.'

The Pleasures of Friendship, and other Poems. By Dr. James M'Henry. 12mo. Philadelphia. A. R. Poole.

Triumphs of Liberty; the Prize Ode recited by Mr. Finn, at the Boston Theatre, on the Anniversary of Washington's Birth Day, February 22, 1825.

POLITICS.

Letter from Robert Wickliffe, to his Constituents. 8vo. pp. 19. Frankfort, Kentucky.

Remarks upon a Pamphlet, published at Bath, Me. relating to alleged Infractions of the Laws, during the Embargo, Non-Intercourse, and War. By William King and Mark L. Hill. Bath, Me.

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Suggestions on Presidential Elections, with particular Reference to a Letter of William C. Somerville, Esq. 8vo. pp. 32. Boston. Cummings, Hilliard, & Co.

THEOLOGY.

The Unitarian's Answer; or, a brief and plain 'Answer to any that ask a Reason' of our Attachment to Unitarianism, considered as a System both of Doctrine and Instruction. 12mo. pp. 24. New Bedford.

The Doctrine of the Atonement Explained in a Sermon delivered at the New Jerusalem Temple, in Cincinnati, on the Evening of the 20th of December, 1824. By Nathaniel Holley, A. M. a Minister of the New Jerusalem Church. 8vo. pp. 22. Cincinnati, Ohio.

A Discourse on Christian Liberty, delivered before the First Congregational Society in Scituate, on the Lord's Day, March 6, 1825. By Samuel Deane, Pastor of the Second Church in Scituate. Published at the Desire of the Hearers. Cambridge. Hilliard & Metcalf.

The Excellence and Influence of the Female Character; a Sermon, preached in the Presbyterian Church in Murray Street, at the request of the New York Female Missionary Society. By Gardiner Spring. 8vo. pp. 32. New-York. 1825.

A Sermon delivered at the Old South Church in Boston, before the Auxiliary Foreign Mission Society of Boston and the Vicinity, at their Annual Meeting, January 3, 1825. By Warren Fay, Pastor of the First Church in Charlestown, Mass. Boston. S. T. Armstrong.

Biblical Repertory, a Collection of Tracts in Biblical Literature. By Charles Hodge. Vol. I. No. 2, for April, 1825. Princeton, N. J.

An Interpretation of the Rev. Ezra Stiles Ely's Dream, or a few cursory Remarks upon his Retrospective Theology, or the Opinions of the World of Spirits; published for the Benefit of Dreamers. Philadelphia.

A Vindication of the Doctrine contained in a Sermon, entitled the Universality of the Atonement, with its undeniable Consequences, simply and plainly stated, in a consistent manner, agreeably to Scripture and Reason. By Joshua Randell. 12mo. pp. 32. Haverhill.

A Selection of Hymns and Psalms, for Social and Private Worship. Third edition, corrected. 12mo. pp. 463. Cambridge. Hilliard & Metcalf.

A Critical History of the Projects formed within the last Three Hundred Years for the Union of the Christian Communions.

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Seven Letters to Elias Hicks, on the tendency of his Doctrines and Opinions; with an Introductory Address to the Society of Friends. By a Demi-Quaker. Philadelphia.

Four Sermons on the Doctrine of the Atonement. By Nathan S. S. Beman, Pastor of the Presbyterian Church in Troy. 12mo. Troy, N. Y. W. S. Parker.

Views in Theology. No. III. President Edwards' Doctrine of Original Sin, the Doctrine of Physical Depravity. 12mo. pp. 104. New York. F. & R. Lockwood.

Remarks on the Rise, Use, and Unlawfulness of Creeds and Confessions of Faith, in the Church of God. In two Parts. By John M. Duncan, Pastor of the Presbyterian Church, Tammany street, Baltimore.

A Sermon on the Death of Rev. John H. Livingston, D. D. S. T. P. Preached before the General Synod at Albany, and at Poughkepsie. By the Rev. C. C. Cuyler, A. M. With a short Memoir of his Life. 8vo. Price 25 cents. New York.

Lincoln's Scripture Questions, stereotyped, being the Fifth Edition, to which are now annexed the Answers from Scripture. 18mo. pp. 126. Lincoln & Edmands.

A Brief Outline of the Evidences of the Christian Religion. By Archibald Alexander, D. D. Professor of Didactic Theology in the Theological Seminary, Princeton, N. J. Price 87 cents. Princeton, N. J.

A Mirror, in which is shown the likeness of Professing Christians, who place no Confidence in the Light within, or Spirit of Truth, as being the Gift of God. New York.

Essays on some of the First Principles of Metaphysics, Ethics, and Theology. By Asa Burton, D. D. Pastor of the Church of Christ in Thetford, Vt. 8vo. pp. 411. Portland. Arthur Shirley. 1824.

The Duties of an American Citizen. Two Sermons, delivered in the First Baptist Meeting House in Boston, April 7th, 1825, the Day of Public Fast. By Francis Wayland, Jun. 8vo. pp. 52. Boston. James Loring.

Discourses on the Offices and Character of Jesus Christ. By Henry Ware, Jun. Minister of the Second Church in Boston. 12mo. pp. 217. Boston.

A Sermon on the Art of Preaching, delivered before the Pastoral Association of Massachusetts, in Boston, May 25, 1825. By Edward D. Griffin, D. D. President of Williams College. 8vo. pp. 35. Boston.

The Claims of Past and Future Generations on Civil Rulers; a Sermon, preached at the Annual Election, May 25, 1825, before His Honor Marcus Morton, Esq. Lieutenant Governor,

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the Honorable Council, and Legislature of Massachusetts. By William B. Sprague, Pastor of the First Church in West Springfield. 8vo. pp. 36. Boston.

A Collection of Essays and Tracts in Theology. By Jared Sparks. No. X. Boston. David Reed.

For Christian Missions, an Oration, delivered before the General Assembly of the Presbyterian Church, on Monday Evening, May 23. By William Craig Brownlee, D. D. of Basking Ridge. Philadelphia. Tower & Hogan.

The Christian Examiner and Theological Review, No. VIII. for March and April, Boston. Cummings, Hilliard, & Co.

The Christian Spectator: conducted by an Association of Gentlemen. Vol. VII. No. 5, for May, 1825.

Discussion of Universalism; or, a Defence of Orthodoxy against the Heresy of Universalism, as advocated by Mr Abner Kneeland, in the Debate in the Universalist Church, Lombard-street, July, 1824, and in his various Publications, as also in those of Mr Ballou and others. By W. L. McCalla. Philadelphia.

TOPOGRAPHY AND STATISTICS.

A Report of the Board of Engineers of the Examination which has been made with a View of Internal Improvement. 8vo. pp. 112.

Report of the Canal Commissioners to the General Assembly of Ohio. Published by Authority. 8vo. pp. 66. Columbus, Ohio.

The Northern Traveller, containing the Routes to Niagara, Quebec, and the Springs, with Descriptions of the principal Scenes, and useful Hints to Strangers. With Maps and Copperplates. New York. Wilder & Campbell.

The Traveller's Directory through the United States, with an Appendix, &c. The whole illustrated by appropriate Maps. By John Melish. A New Edition. Revised and Enlarged. Philadelphia.

VOYAGES AND TRAVELS.

Schoolcraft's Travels in the Central Portions of the Mississippi Valley. With Maps and Plates. 8vo. pp. 460. Price $3 50. New York. Collins & Hannay.

AMERICAN EDITIONS OF FOREIGN WORKS.

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